

Cynthia Ellison

April 27, 2006

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IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA - NORTHERN DIVISION

CYNTHIA ELLISON,

Plaintiff,

vs.

CASE NO. 205CV902MHTDRB

AUBURN UNIVERSITY
MONTGOMERY,

Defendants.

~~~~~

DEPOSITION OF  
CYNTHIA ELLISON

April 27, 2006  
9:30 a.m.

McPhillips, shinbaum & gill, LLP  
516 South Perry Street  
Montgomery, Alabama

Dawn A. Goodman, Certified Shorthand Reporter and  
Notary Public in and for the State of Alabama at Large

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APPEARANCES

.  
FOR THE PLAINTIFF:  
MCPHILLIPS, SHINBAUM & GILL, LLP  
KAREN S. RODGERS, ESQUIRE  
516 S. Perry Street  
Montgomery, Alabama 36101

.  
FOR THE DEFENDANT:  
FISHER & PHILLIPS, LLP  
BURTON F. DODD, ESQUIRE  
1500 Resurgens Plaza  
945 East Paces Ferry Road  
Atlanta, Georgia 30326-1125

.  
ALSO PRESENT:  
DEBRA FOSTER

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Deposition of Cynthia Ellison

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EXAMINATION

BY-MR.DODD:

MR. DODD: Q. What's your name?

A. Cynthia Ellison.

Q. Where do you live, Ms. Ellison?

A. I live at 1598 Sandstone Court  
here in Montgomery, Alabama.

Q. How long have you lived there?

A. About five years.

Q. I understand you are divorced, is  
that correct?

A. That's correct.

Q. You have one child?

A. I do.

Q. That's Courtnei?

A. Courtnei.

Q. How old is Courtnei?

A. Courtnei is 22.

Q. What does she do?

A. She's an HR recruiter at Colonial  
Bank.

Q. Is Colonial Bank here in  
Montgomery?

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1 A. It is.

2 Q. Is she married?

3 A. No. She is not.

4 Q. Who is your former husband?

5 A. Terrell Ellison.

6 Q. What does he do?

7 A. He is a full-time pastor.

8 Q. Is that in Montgomery as well?

9 A. It is.

10 Q. What church is he with?

11 A. New Life Church of God and Christ.

12 Q. Did you and Terrell only have one  
13 child?

14 A. We have one living child. I had  
15 a stillborn child.

16 Q. Any other family? Do you have any  
17 other family in this part of Alabama?

18 A. No. I have no family in  
19 Montgomery.

20 Q. Do you have any family in the  
21 surrounding counties of Montgomery?

22 A. I do not.

23 Q. We can get a few preliminaries out  
24 of the way. This is the Deposition of Cynthia  
25 Ellison taken pursuant to Notice and Agreement

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1 of Counsel in the case of Ellison versus  
2 Auburn UUniversity Montgomery.

3 Ms. Ellison, have you been deposed  
4 before?

5 A. I have.

6 Q. How many times have you been  
7 deposed?

8 A. Once.

9 Q. Was that in connection with --  
10 strike that, please.

11 What was your deposition in  
12 connection with?

13 A. Dillard's Department Store.

14 Q. Tell me a little bit about that.

15 A. I worked part time for Dillard's  
16 for about seven years as a salon coordinator.  
17 I don't really know what the case was all  
18 about. I just know some clients claimed that  
19 they were overcharged. And I had to be  
20 deposed because as a salon coordinator, I  
21 accepted the money from the clients and  
22 billets from the hairdressers.

23 Q. Did the folks who were claiming  
24 they had been overcharged blame you for the  
25 overcharge?

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1 A. No.

2 Q. Did Dillard's blame you for the  
3 overcharge?

4 A. No.

5 Q. Do you still work at Dillard's?

6 A. No. I left Dillard's.

7 Q. Why did you leave?

8 A. I took a full-time job.

9 Q. You understand you are under oath  
10 to tell the truth in this deposition?

11 A. I do understand that.

12 Q. If you don't understand a question  
13 that I ask you, will you let me know so I  
14 can try to rephrase it so that you will  
15 understand it?

16 A. I will do that.

17 Q. If you don't hear the entire  
18 question that I ask you, would you let me  
19 know so that I can repeat it for you?

20 A. I will.

21 Q. If you need to take a break or  
22 recess, just let me know and we will get to  
23 a stopping point as soon as we can. Is that  
24 okay?

25 A. Okay.

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1 Q. During the course of the  
2 deposition, which probably will go on for  
3 several hours, if you remember something, say,  
4 later in the deposition that means you should  
5 change an answer that you previously gave in  
6 order to make it truthful, will you let me  
7 know that?

8 A. Yes, I will.

9 Q. Did you review anything to prepare  
10 for this deposition?

11 A. I talked to my attorney and prayed  
12 about coming in here.

13 Q. Did you look at any documents?

14 A. I looked at the production  
15 materials.

16 Q. Are those the documents that your  
17 lawyer sent to me, the ones you gave your  
18 lawyer?

19 A. I have no idea.

20 Q. Give me an idea of what documents  
21 they were.

22 A. Well, my affidavit.

23 Q. Okay.

24 A. And the -- I believe the EEOC  
25 charge.

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1 Q. Are these documents that were in  
2 your control?

3 A. Yes.

4 Q. Okay. These are documents you  
5 have given to your lawyer, correct?

6 A. Correct.

7 Q. Other than your lawyer, did you  
8 talk to anyone to prepare for this  
9 deposition?

10 A. I did not.

11 Q. Do you have any medical condition  
12 that would prevent you or hinder you in  
13 answering any of the questions I ask you  
14 today?

15 A. No, sir.

16 Q. Are you involved in any community  
17 activities?

18 A. Just church-related activities.

19 Q. Church related?

20 A. Uh-huh.

21 Q. What church do you attend?

22 A. Harris Temple Church of God and  
23 Christ in Elba, Alabama.

24 Q. Are you on the vestry, or do you  
25 hold an office in the church?

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1           A.       I am a member of the Board of  
2           Trustees, and I am the Church Secretary. And  
3           I work with the youth and Sunday School.

4           Q.       Are there any other church-related  
5           activities that you participate in?

6           A.       From time to time when something  
7           comes up I may volunteer for a particular  
8           activity.

9           Q.       An example of that would be  
10          something like a youth outing?

11          A.       Youth outing, or we have what we  
12          call District Conferences. I would volunteer  
13          to do whatever the function called for. It  
14          may be providing food. It may be  
15          transportation. Whatever I think I can do.

16          Q.       You weren't in the military  
17          service, were you?

18          A.       No, I was not.

19          Q.       Do you have any relatives currently  
20          working at Auburn University Montgomery?

21          A.       No.

22          Q.       Did you have any relatives  
23          previously working there?

24          A.       No. I'm sorry. My daughter  
25          worked there.

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1 Q. Courtnei?

2 A. Before she graduated she worked  
3 there, yes.

4 Q. What did she do there?

5 A. She was a student assistant for  
6 the Center for Business.

7 Q. Was she a work study student?

8 A. No.

9 Q. She had a job?

10 A. Uh-huh.

11 Q. Who is Faye Ward?

12 A. Faye Ward was the Assistant  
13 Director of Human Resources:

14 Q. Are you related to her at all?

15 A. I am not.

16 Q. Did Faye Ward give you any  
17 information about this case?

18 A. She did not.

19 Q. Do you know if Faye Ward gave your  
20 lawyer, or anybody else, information about  
21 this case?

22 A. She did give my lawyer an  
23 affidavit statement.

24 Q. Do you know who prepared that  
25 affidavit?

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1 A. My attorney and Faye, I guess.

2 Q. Did you ask Faye to give you any  
3 documents --

4 A. I did not.

5 Q. -- related to this case?

6 A. No, sir.

7 Q. Did Faye Ward volunteer to give  
8 you any documents related to this case?

9 A. She did not give me any documents.

10 Q. Do you know if she gave anybody  
11 any documents, other than the affidavit?

12 A. I do not know.

13 Q. Do you have any current medical  
14 problems?

15 A. I do.

16 Q. What do you have?

17 A. I have rheumatoid arthritis and  
18 osteoarthritis.

19 Q. Are you getting treatment for those  
20 conditions?

21 A. Yes, I am.

22 Q. Do you have any current  
23 psychological problems?

24 A. I do not.

25 Q. Do you have any current emotional

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1 problems?

2 A. No.

3 Q. Other than the rheumatoid arthritis  
4 and osteoarthritis, do you have any other  
5 medical conditions?

6 A. Not that I know of.

7 Q. Do those conditions restrict your  
8 activities in any way?

9 A. Sometimes.

10 Q. Can you give me an example?

11 A. Well, the condition -- the  
12 rheumatoid is in the shoulders and the  
13 wrists. So sometimes I am not able to pick  
14 items up. It doesn't matter how heavy or  
15 how light they are. The osteo, of course,  
16 prevents me sometimes from getting up right  
17 away in the mornings.

18 Q. Forgive my ignorance. Is  
19 osteoarthritis a back --

20 A. Well, actually it's bones.

21 Q. Okay. Do you attribute either of  
22 those conditions to work-related issues?

23 A. I do not. The doctors think that  
24 the rheumatoid was contracted from the many  
25 chemotherapy drugs that I was on for my

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1 cancer surgery. After my cancer surgery  
2 because that was one of the side effects.

3 Q. Your answer is "no"?

4 A. No.

5 Q. Have you had any psychological or  
6 psychiatric difficulties in the past?

7 A. I have not.

8 Q. When did you resign from Dillard's?

9 A. I believe my effective date was  
10 February -- the last day of February because  
11 I started my new job March 1st.

12 Q. Of what year?

13 A. This year.

14 Q. Where was the Dillard's location  
15 where you worked?

16 A. Eastdale Mall.

17 Q. East what?

18 A. Eastdale, E-a-s-t-d-a-l-e, Mall.

19 Q. And who was your supervisor there?

20 A. We -- the last one that was there  
21 was Amy Lyda, L-y-d-a.

22 Q. Do you know the name of the HR  
23 representative at Dillard's?

24 A. I don't. I don't think they have  
25 one on site.

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1 Q. Do you know who the general  
2 manager of that Dillard's was?

3 A. Chris Decote.

4 Q. Can you help me with that?

5 A. Of course, Chris, C-h-r-i-s.  
6 Decote, D-e-c-o-t-e.

7 Q. Did you have a set schedule at  
8 Dillard's?

9 A. Most of the time I did.

10 Q. Were you working the same number  
11 of hours -- strike that, please.

12 You worked at Dillard's while you  
13 worked at AUM as well?

14 A. That's correct.

15 Q. What hours did you work when you  
16 were also employed at AUM?

17 A. If I recall correctly, it was  
18 Monday nights, Wednesday nights, sometimes  
19 Thursday, and then all day on Saturdays.

20 Q. What hours on Monday and Wednesday  
21 nights?

22 A. Usually about 5:30 to close, which  
23 would be about 9:00.

24 Q. If somebody was in the chair,  
25 though, you wait until they are finished,

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1 don't you?

2 A. I don't have to wait until they  
3 are finished.

4 Q. What about Thursdays when you  
5 worked those days, what were your hours?

6 A. About the same hours.

7 Q. The same. Saturday would be?

8 A. Saturday would be from 7:30 until  
9 about 1:00 or 2:00. Or if I did the  
10 afternoon, it would be from 12:00 until about  
11 8:00 or 9:00.

12 Q. Now, after you left Auburn  
13 University Montgomery, did your hours at  
14 Dillard's change at all?

15 A. They did.

16 Q. How did they change?

17 A. They were reduced. I reduced my  
18 hours.

19 Q. Why did you do that?

20 A. Well, because the salon started off  
21 with 40 hairdressers and we ended up with  
22 about five or six and they didn't need me to  
23 give them as many hours.

24 Q. How many hours were you giving  
25 them?

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1 A. Probably about 12. Anywhere from  
2 12 to 15 a week, if that many. And they  
3 would call me in if people were out.

4 Q. When would you say that the change  
5 in the hours occurred at Dillard's?

6 A. I don't really remember, to be  
7 honest.

8 Q. How many hours a week were you  
9 working when -- how many hours a week were  
10 you working at Dillard's at the time you went  
11 to Colonial?

12 A. Probably between 11 and 12.

13 Q. Your job at Colonial, is it full  
14 time?

15 A. It is.

16 Q. Does that mean 40 hours a week?

17 A. Yes, sir.

18 Q. How were you paid at Dillard's?  
19 By the hour?

20 A. Hourly.

21 Q. What was your rate?

22 A. When I left it was 8.75.

23 Q. What was your rate, if you recall,  
24 at the time you left Auburn University  
25 Montgomery? Your rate at Dillard's?

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1 A. I think it was 8.50.

2 Q. What is your job at the bank?

3 A. I am the Executive Assistant to  
4 the Director for Training and Development.

5 Q. And who is that?

6 A. Melinda Mills.

7 Q. I'm sorry. What was the last  
8 name?

9 A. M-i-l-l-s.

10 Q. Mills. Okay.

11 And what is your salary?

12 A. 30,000 a year.

13 Q. Congratulations. Were you happy to  
14 find that?

15 A. I was happy to work.

16 Q. Does Melinda know you are here  
17 today?

18 A. She does.

19 Q. Does she know about the lawsuit?

20 A. I did not go into detail with her.

21 Q. You just told her you had to give  
22 a deposition?

23 A. That's right.

24 Q. What's the address of the bank  
25 where you work?

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1 A. All I know is 1 Court Square,  
2 Montgomery, Alabama. Colonial Bank, 1 Court  
3 Square, Montgomery, Alabama.

4 Q. Now, when you retired from AUM,  
5 you drew a retirement income from the state  
6 fund set up for Auburn University, is that  
7 right?

8 A. Correct.

9 Q. How much are you getting out of  
10 that?

11 A. \$1,888 a month.

12 Q. Is that about 20,000 a year, give  
13 or take?

14 A. Give or take.

15 Q. Other than Dillard's and Colonial  
16 Bank, have you held any employment since you  
17 left AUM?

18 A. I briefly worked for my  
19 rheumatologist for about three or four days.

20 Q. For a rheumatologist?

21 A. For my doctor, my rheumatologist.

22 Q. What did you do there?

23 A. She hired me to be her  
24 receptionist.

25 Q. All right. And you didn't like

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1 that?

2 A. I couldn't do the work. The files  
3 were too heavy for me to pick up. I  
4 couldn't put them overhead.

5 Q. I see. How long did you work  
6 there?

7 A. Probably about three days.

8 Q. How much did you get paid?

9 A. I think it was something like  
10 \$180, or something like that.

11 Q. Are you still seeing the same  
12 doctor?

13 A. I am.

14 Q. Have you been continuously employed  
15 with either Dillard's, your physician, or the  
16 bank, since your retirement from AUM?

17 A. Just Dillard's.

18 Q. I don't mean with each employer at  
19 the same time. You have had a job of some  
20 of kind ever since you left AUM, right?

21 A. I have had a job with Dillard's  
22 since I left.

23 Q. Were there any periods of time  
24 since you left AUM that you were unable to  
25 work for whatever reason?

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1 A. There was some days I couldn't go  
2 into Dillard's.

3 Q. Because of your conditions?

4 A. Correct.

5 Q. How many days do you think it  
6 amounted to?

7 A. I honestly don't remember. They  
8 were few because I pushed myself to do what  
9 I need to do.

10 Q. Did you take any vacations during  
11 that time?

12 A. No, I did not.

13 Q. When you were working at AUM, when  
14 did you begin planning on retiring?

15 A. I didn't plan to retire.  
16 Retirement seminars would come to Campus and  
17 those of us who were in striking distance of  
18 retirement, we attended those seminars to find  
19 out what was being said. And I did attend a  
20 couple of retirement seminars, as I recall.

21 Q. What do you mean by "striking  
22 distance"?

23 A. You have to have 25 years to  
24 retire. And I had made the 25-year mark.

25 Q. You made the 25 years by combining

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1 previous years of service at another  
2 institution?

3 A. That's correct.

4 Q. At what institution was that?

5 A. There were several. I worked for  
6 the Board of Education in Mobile for eight  
7 years. I worked for the University of South  
8 Alabama for two years. I worked for the  
9 University of Alabama in Huntsville for two  
10 years, maybe two and a half. And then I  
11 came to Auburn, AUM, and I worked there for  
12 20 years.

13 Q. You have had total about 32 years  
14 of service?

15 A. That's correct.

16 Q. Did the eight years of Mobile, the  
17 two years at South Alabama, and the two years  
18 at the University of Alabama in Huntsville  
19 transfer over to your account so to speak?

20 A. What transfer? You mean the  
21 monies?

22 Q. The years of service.

23 A. Yes. That was in the same system.

24 Q. Do you have to pay anything for  
25 those years to transfer?

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1 A. No.

2 Q. Did you ever give any thought as  
3 to when you would retire?

4 A. I think we all do, or I did.

5 Q. Tell me about your thinking about  
6 when you would retire?

7 A. I thought about -- I could retire  
8 once I was treated the way I was. And I  
9 didn't want to be in that unsafe environment  
10 any more.

11 Q. You are talking about -- you claim  
12 in this lawsuit that the University forced  
13 you to retire, correct?

14 A. That's correct.

15 Q. Up until that time, had you given  
16 any thought as to when you might retire?

17 A. I had spoken to Dr. Lawal in April  
18 of 2004 when I picked he and his wife up at  
19 the airport. And I told him that I had  
20 enough years to retire, but I was going to  
21 stay two to three years to get him  
22 transitioned into his new position.

23 Q. Is that as definite as you ever  
24 considered your plans to be with respect to  
25 retiring?

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1 A. Absolutely.

2 Q. How many times did you and Dr.  
3 Lawal discuss your retirement?

4 A. After I initially talked with him  
5 in April, we didn't talk about retirement any  
6 more until February when I left.

7 Q. Had you had any discussions with  
8 Bob Elliott about when you might retire?

9 A. Dr. Elliott -- I said to Dr.  
10 Elliott when he retired, "You are you lucky.  
11 I wish I could."

12 Q. Were you not eligible at that  
13 time?

14 A. I may have been eligible, but I  
15 was a single parent. My daughter was in  
16 school, so I wasn't thinking about retiring.

17 Q. Did you ever make any remarks to  
18 anyone that you were going to retire after  
19 Courtnei finished school?

20 A. I don't recall.

21 Q. Did you have any discussions about  
22 your retirement with Brad Moody?

23 A. We discussed retirement, yes. I  
24 discussed retirement with Brad Moody because  
25 Debra Foster mentioned that I should retire

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1 after I filed my complaint concerning Allison  
2 Stevens. I came back, and I reported that  
3 to him.

4 Q. You reported what to whom?

5 A. I reported to Brad Moody that my  
6 conversation with Debra Foster was about my  
7 -- "you have enough time to retire, so why  
8 don't you do that."

9 Q. Have Debra -- I'm sorry.

10 A. I'm sorry. I am finished.

11 Q. I don't mean to interrupt you. Go  
12 ahead. I don't want to cut you off.

13 A. I have completed my thought.

14 Q. Have you ever discussed retirement  
15 with Debra Foster before?

16 A. I have not discussed retirement  
17 with her. She brought it up to me.

18 Q. Is that the only time that that  
19 subject has been brought up between the two  
20 of you?

21 A. When I was in her office that time  
22 is what I recall.

23 Q. She didn't make any remarks about  
24 your retirement before that?

25 A. I really don't remember.

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1 Q. Do you recall ever making any  
2 comments that you want to retire, but you  
3 wanted to have a new job before you did?

4 A. I don't remember making that  
5 comment.

6 Q. A retiree from AUM is not  
7 penalized, is she, if she goes out and gets  
8 a full-time job? Penalized in the sense that  
9 the retirement benefits are affected?

10 A. Well, I don't know. I know there  
11 is a cap if you get a state job.

12 Q. Let's not talk about state jobs.  
13 Let's talk about private sector jobs.

14 A. And your question was?

15 Q. You can retire from AUM and get  
16 whatever you are entitled to based on your  
17 years of service or highest salary, or  
18 however the formula works, right? And go out  
19 and get a job in the private sector and your  
20 retirement benefits are not affected, right?

21 A. That's correct.

22 Q. That's a pretty good deal, isn't  
23 it?

24 MS. RODGERS: I object.

25 MR. DODD: Q. Did you ever hear

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1 any of the faculty you worked with, or  
2 administrators you worked with, express their  
3 desire to retire and get another job?

4 A. I have heard conversations on  
5 occasion.

6 Q. From a purely monetary standpoint,  
7 an income standpoint, you are better off now  
8 than when you worked at AUM, are you not?

9 MS. RODGERS: Object. You can  
10 answer.

11 THE WITNESS: I am not. I don't  
12 think I am better off.

13 MR. DODD: Q. Why aren't you  
14 better off?

15 A. I just started this job. My  
16 salary was cut in half at AUM.

17 Q. No. I am just talking about from  
18 a purely income perspective right now. You  
19 are making more money from your retirement  
20 and from your new job than you were at AUM,  
21 are you not?

22 MS. RODGERS: Objection.

23 THE WITNESS: Well, if I sit down  
24 and add up the figures, I might. I haven't  
25 sat down and added that up.

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1 MR. DODD: Q. What was your  
2 salary when you left AUM?

3 A. I believe it was 40,900 and  
4 something.

5 Q. Your salary now at the bank is  
6 \$40,000, is it not?

7 A. Thirty.

8 Q. Is it 30? I thought you told me  
9 40 a minute ago.

10 A. No. I said 30.

11 MS. RODGERS: 30.

12 MR. DODD: Q. I misunderstood  
13 you. Your salary is 30. Your retirement  
14 income annually is approximately \$22,650?

15 A. If that's what you calculated.

16 Q. Do you know what it is?

17 A. I know that it's 1,888 a month.

18 Q. Your current income from those two  
19 sources is in excess of \$52,000 a year, is  
20 that right?

21 A. If that's what you just added.

22 Q. Do you disagree with that?

23 A. I am going by your figures is what  
24 I told you.

25 Q. Has anything happened in the two

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1 months that you have worked at the bank that  
2 suggests to you that your employment might  
3 not be permanent there?

4 A. I am too new in the job. I  
5 really don't know.

6 Q. As far as you know, there has been  
7 no event that makes it unlikely that you  
8 would continue in that job?

9 A. I have been there six weeks. I  
10 am still on probation. I don't know what  
11 the future holds.

12 Q. How long have you known Chris  
13 Mahaffy?

14 A. He was there when I came to AUM  
15 in 1984.

16 Q. You knew him for about 20 years?

17 A. About 20 years.

18 Q. Were you ever on good terms with  
19 him?

20 A. I didn't see Chris much. He  
21 taught his classes and went home until he  
22 became Acting Department Head, or Chair of  
23 the Physical Science Department. That's when  
24 I started to see him more.

25 Q. When did he become Acting Chair of

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1 the Physical Science Department?

2 A. It had to be -- I have got to  
3 think a minute here. Let's see.

4 Q. Take your time.

5 A. It had to be in the late Nineties.  
6 Somewhere between, I want to say, '97 and  
7 2000. I'm not real sure.

8 Q. Somewhere in that time frame, do  
9 you think?

10 A. I think.

11 Q. Until that time, did you really  
12 even know him?

13 A. Not really, because he never really  
14 came into the Dean's office.

15 Q. After that time that he became the  
16 Acting Chair, and then I guess the Chair of  
17 Physical Sciences?

18 A. Right.

19 Q. Were you ever on good terms with  
20 him?

21 A. We did our jobs.

22 Q. What does that mean?

23 A. It means that -- how do you define  
24 "good terms"?

25 Q. Well, when did you become on bad

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1 terms with him?

2 A. During the first search for the  
3 Dean's position.

4 Q. When was that?

5 A. The first search I think was  
6 winter semester of 2000 -- winter or spring  
7 semester of 2002.

8 Q. Is it fair to say that up until  
9 that time, that search for the Dean, that  
10 there was nothing about Chris Mahaffy's  
11 behavior that you complained about?

12 A. I did complain about some of his  
13 behavior.

14 Q. Let's talk about that. What  
15 behaviors did you complain about?

16 A. I complained about -- well, he  
17 would come into the office and not say  
18 anything. He would just look and stare. He  
19 would just make inappropriate comments.

20 Q. This is before the first Dean  
21 search, right?

22 A. Okay. Let me get my --

23 Q. Take your time and let's make sure  
24 we get the times right. Okay?

25 A. Okay. I am trying to remember

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1           when the first Dean search was. Well, I  
2           never really had any dealings with Chris  
3           until he became Department Chair. And I will  
4           say that was -- like I said, somewhere in  
5           the late Nineties or something. And as  
6           Department Chair he would come in and drop  
7           off reports, or whatever, and there was just  
8           really no interaction really.

9           Q.       Between you and he, right?

10          A.       Correct.

11          Q.       Okay.

12          A.       I have got to think about this.

13          Q.       If we were going to construct a  
14          time line, and try as best we can to  
15          pinpoint when your objections to Mahaffy's  
16          conduct began, it would be sometime after he  
17          became Chair of Physical Sciences, correct?

18          A.       Yes. After he became chair.

19          Q.       Whatever that date is. That's the  
20          event you recall, right?

21          A.       Right.

22          Q.       Who was the Dean when he became  
23          Chair of Physical Sciences?

24          A.       If I'm not mistaken, his interim  
25          appointment as Acting Department Head was made

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1 by Joe Hill just before he retired.

2 Q. And was the first Dean search that  
3 you referred to, the search to find a  
4 replacement for Joe Hill?

5 A. Correct.

6 Q. Who served as Acting or Interim  
7 Dean when Joe Hill left?

8 A. Dr. Elliott.

9 Q. Do you recall how long he served  
10 in that capacity?

11 A. I think a little over two years  
12 maybe.

13 Q. He retired, did he not?

14 A. He did.

15 Q. Which again left a vacancy in the  
16 Dean's office, right?

17 A. Correct.

18 Q. Who served after Elliott left?

19 A. Dr. Moody.

20 Q. Do you recall when he started  
21 as --

22 A. Dr. Elliott left December of '02.  
23 And Brad's appointment started actually  
24 December of '02, but he physically came up in  
25 January.

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1 Q. In January?

2 A. '03.

3 Q. How long was Brad Moody Acting  
4 Dean?

5 A. Until Bayo arrived August of '04.  
6 Brad was in the office December of '02  
7 because Bob left before Christmas. So he  
8 would have been there December of '02.

9 Q. When did the search that resulted  
10 in Dr. Lawal's hire begin?

11 A. January or February '03. I'm  
12 sorry. January -- let me get this right.  
13 The search started -- I'm not sure. But it  
14 started shortly after Brad took the position,  
15 I believe. At least one of them did.

16 Q. There were two searches for Deans,  
17 correct?

18 A. Yes.

19 Q. Okay. The first one was to find  
20 a replacement for Joe Hill, is that right?

21 A. Well, they didn't start that search  
22 immediately.

23 Q. They started that search at a time  
24 when Bob Elliott was serving as Dean?

25 A. Right.

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1 Q. Do you recall when that searched  
2 started?

3 A. I'm not sure. I think it was  
4 spring of '02. No. Yes. Spring of '02.

5 Q. How did that search end?

6 A. It was a failed search. No one  
7 was selected as Dean.

8 Q. When did the search end?

9 A. I don't remember the date it  
10 ended.

11 Q. Do you have any idea of how long  
12 the search took?

13 A. It took about three -- at least  
14 three months or more.

15 Q. Now, did the second --

16 A. I'm sorry.

17 Q. Did the second search start Brad  
18 Moody serving as Dean?

19 A. It did.

20 Q. That was sometime after January  
21 '03?

22 A. Right.

23 Q. Do you recall when Dr. Lawal  
24 accepted the position as the Dean?

25 A. I think it was sometime in -- it

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1 was May or June. I'm not sure. And it may  
2 even be the end of April. I'm not really  
3 sure.

4 Q. Do you have any idea of the  
5 duration of that search?

6 A. The second search?

7 Q. Yes.

8 A. I was on the Search Committee, so  
9 I think it was about -- at least three or  
10 four months.

11 Q. Is it likely that it started about  
12 the first of the year in 2004?

13 A. Yes, it is.

14 Q. Ms. Ellison, when we are talking  
15 about the Deans here, we are talking about  
16 the Dean of the School of Sciences, correct?

17 A. That's correct.

18 Q. Your job was what?

19 A. I was the Senior Administrative  
20 Associate to the Dean of the School of  
21 Sciences.

22 Q. What was your previous title in  
23 that role?

24 A. Dean's secretary.

25 Q. I'm sorry.

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1 A. Dean's secretary.

2 Q. Who did your Deans' report to?

3 A. The Vice Chancellor for Academic  
4 Affairs and Student Affairs.

5 Q. Who was that?

6 A. Dr. Roger Ritvo.

7 Q. Was he the Vice Chancellor at all  
8 times while Joe Hill, Bob Elliott and Bayo  
9 Lawal were Deans?

10 A. No, he was not.

11 Q. When did he assume that role? If  
12 you know.

13 A. I don't know the exact date he  
14 took the job.

15 Q. Who was his predecessor?

16 A. Dr. Nance.

17 Q. Is that Guin Nance?

18 A. Uh-huh.

19 Q. You have to say "yes."

20 A. Yes. I'm sorry.

21 Q. Dr. Nance is now the Chancellor,  
22 correct?

23 A. Correct.

24 Q. Does Roger Ritvo report to Guin  
25 Nance?

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1 A. He does.

2 Q. Who did Guin Nance report to when  
3 she was the Vice Chancellor?

4 A. Dr. Saigo.

5 Q. How many Departments are there in  
6 the School of Sciences?

7 A. Six, seven. Counting the facility  
8 at Maxwell.

9 Q. Does each Department have a Chair?

10 A. Yes.

11 Q. To whom do the Chairs' report?

12 A. To the Dean.

13 Q. How would -- strike that, please.  
14 Tell me how would you describe  
15 your job?

16 A. As the Dean's secretary?

17 Q. Yes.

18 A. My job included making sure the  
19 smooth operations of the office flows daily.  
20 That included answering the phones, doing the  
21 mail, doing payroll, giving assignments to the  
22 other secretaries, receiving assignments from  
23 the other secretaries, making sure that they  
24 were correct. It included supervising  
25 anywhere from five or six work study

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1 students. I wrote drafts of memos for the  
2 Deans. Just the normal secretarial duties.

3 Q. For the Dean, right?

4 A. For the Dean.

5 Q. You supported the Dean, right?

6 A. I supported the Dean.

7 Q. Is he your boss?

8 A. Excuse me. I didn't hear you.

9 Q. Is he your boss?

10 A. He was my boss.

11 Q. And your supervisor?

12 A. Yes.

13 Q. A minute ago when you were listing  
14 some of your activities, you said receiving  
15 assignments from secretaries. Did you mean  
16 receiving work back from them that you had  
17 given them to make sure that it's correct?

18 A. That's correct.

19 Q. They weren't giving you tasks to  
20 do, were they?

21 A. Right. I gave them -- well, we  
22 had routine tasks that had to be done.

23 Q. Right.

24 A. That I had to give out to them  
25 and they returned to me to review to see

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1                   whether or not it was correct.

2                   Q.       That's what you were talking about,  
3                   right? I mean the secretaries in the School  
4                   of Sciences were not telling you to do  
5                   things, right?

6                   A.       Correct. I didn't think I had  
7                   said that.

8                   Q.       I'm sorry.

9                   A.       I didn't know that I had said that  
10                  they did.

11                  Q.       I wanted to make sure.

12                  A.       Okay.

13                  Q.       Now, until Chris Mahaffy became the  
14                  Chair, or Acting Chair of the Physical  
15                  Sciences, had he ever been violent with you?

16                  A.       He had not been violent with me,  
17                  no.

18                  Q.       Have you ever observed him being  
19                  violent with anyone?

20                  A.       I observed him being upset.

21                  Q.       How was he upset?

22                  A.       After Department Head meetings,  
23                  sometimes if things didn't go his way, he  
24                  came out upset.

25                  Q.       Let's talk about the time up until

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1 he became Chair.

2 A. Okay.

3 Q. Have you ever seen him become  
4 violent with anyone until that time?

5 A. There was one confrontation that  
6 was reported to the Dean's office between he  
7 and a student in a chemistry lab.

8 Q. What was that confrontation?

9 A. I don't know. It was years ago.  
10 I don't remember. There was a confrontation  
11 and the Dean at the time took care of it.

12 Q. Do you know any details about that  
13 confrontation?

14 A. I don't remember.

15 Q. Do you have any personal knowledge  
16 of that confrontation?

17 A. I was not in the lab when it took  
18 place.

19 Q. Until the time that Chris Mahaffy  
20 became Chair of Physical Sciences, had he  
21 ever touched you?

22 A. No.

23 Q. Have you ever sued anybody else  
24 before?

25 A. I have not.

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1 Q. Have you ever been sued?

2 A. No.

3 Q. Have you been charged with a  
4 crime?

5 A. No.

6 Q. Where was your office located?

7 A. 311 Goodwyn Hall, which was the  
8 Dean's suite.

9 Q. Is that on the third floor?

10 A. Third floor of Goodwyn Hall.

11 Q. Can you give me an idea of the  
12 layout of the office?

13 A. You would come into the office.  
14 To the left there was a seating area. To  
15 the right a copy machine. Then a desk for  
16 the student worker. I added another desk for  
17 a student worker. My cubicle. If you go to  
18 the left, Dr. Owens' office. And the second  
19 left was Dr. Caroline Adams. And directly in  
20 front of my cubicle was the Dean's office.

21 Q. Now, when you say "cubicle," can  
22 you describe what you mean?

23 A. Well, we just had -- it was a  
24 partition between me and the students and the  
25 incoming traffic to buffer.

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1 Q. And how high was the partition?

2 A. I think we ordered them either  
3 about four or five feet high. I can't  
4 remember.

5 Q. Did you have to stand up to see  
6 out of it?

7 A. I did.

8 Q. You mean it's a solid partition,  
9 right?

10 A. There was maybe a 12-inch glass at  
11 the end, but I had to lean to look up out  
12 of that glass.

13 Q. What was your line of vision when  
14 you looked through the glass?

15 A. I could see the door opening, but  
16 I couldn't see who was coming in until they  
17 actually entered.

18 Q. Could you see into the hallway?

19 A. If I stood up and leaned forward.

20 Q. And leaned forward?

21 A. Well --

22 Q. I know it's hard to describe a  
23 physical layout.

24 A. You could see the hallway from the  
25 -- you could see the hallway from the glass

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1           that's in there. If you take a look you can  
2           see. And depending on how your desk is  
3           turned, and my desk had been in several  
4           positions.

5           Q.       So tell me how you would look into  
6           the hall? Would you have to stand up and  
7           look around, or look over, or how would you  
8           do it?

9           A.       Like that.

10          Q.       You are looking around the edge?

11          A.       No.

12          Q.       You are looking through the glass?

13          A.       Right.

14          Q.       Okay. Did you spend most of your  
15          day at your desk?

16          A.       It depends on what day of the week  
17          it was and what I was doing.

18          Q.       What were your typical hours of  
19          work there?

20          A.       8:00 to 5:00.

21          Q.       Now, did you ever have any extra  
22          employment at AUM?

23          A.       I did.

24          Q.       Tell me about that.

25          A.       I worked for the Center for

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1 Business doing structured interviews with  
2 people from the Department of Transportation,  
3 police officers in Dekalb County, Georgia.  
4 And when they had other projects come up,  
5 they would ask me to help.

6 Q. Are these projects that have a  
7 definite starting point and a definite  
8 termination point?

9 A. Yes.

10 Q. How long did they typically last?

11 A. Anywhere from two days to a week.  
12 Sometimes, I think one time was a two-week  
13 period. I'm not sure. It's been a while.

14 Q. How would you modify your schedule,  
15 or did you need to modify your schedule if  
16 you had one of those assignments?

17 A. There was a form that we called  
18 HR-12. And you had to put on that form if  
19 you were taking vacation time, or if you were  
20 going to make it up, or if you were using  
21 comp time, and you had to put that on there.

22 Q. When would you -- say, during a  
23 typical work day, when did you perform the  
24 work on these assignments? Do you know what I  
25 mean? Was it between the hours of 8:00 to

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1 5:00, or was it some other time?

2 A. I had to physically be at another  
3 location to perform the work. I was wherever  
4 the job was.

5 Q. Right. Did these jobs occur  
6 outside of your normal working hours?

7 A. Sometimes they did. Sometimes they  
8 didn't.

9 Q. How would you -- when they  
10 didn't --

11 A. As I stated, there was an HR-12  
12 form that we had to fill out a block on that  
13 form stating how we would compensate for the  
14 time that I was not at my regular job.  
15 Whether it be taking vacation, comp time, or  
16 making it up.

17 Q. They are not going to pay you  
18 twice, in other words, right?

19 A. I don't understand that.

20 Q. If you had to go to your other  
21 assignment during the times that you would  
22 typically be working in the Dean's office,  
23 you are not going to get your normal salary  
24 for working in the Dean's office for that  
25 time, plus the income you make on the

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1 assignment, right?

2 A. It depends on what you put on your  
3 HR-12.

4 Q. You can take your vacation, right?

5 A. You could take vacation, or comp  
6 time, or you can make it up. Whatever your  
7 supervisor approved.

8 Q. Did Dr. Lawal ever disapprove  
9 whatever you proposed with respect to these  
10 other assignments and your time?

11 A. I never had an assignment while  
12 Dr. Lawal was there with the Center for  
13 Business.

14 Q. When was your last assignment for  
15 the Center for Business?

16 A. That ended probably nine to ten  
17 months before -- at least a year before I  
18 left.

19 Q. In that year before you left, you  
20 didn't have any other outside employment at  
21 AUM?

22 A. Not that I remember.

23 Q. Where did you park at AUM?

24 A. I parked in the parking lot by the  
25 gym. The parking lots are numbered. I have

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1 no idea what that parking lot number is.

2 Q. How close to Goodwyn Hall did you  
3 park?

4 A. There was no close parking until  
5 -- I parked in the handicap behind Goodwyn  
6 Hall for about the last eight or nine months  
7 of my employment there. Maybe not even that  
8 long. Before that I parked in the gym  
9 parking lot.

10 Q. Was your handicap due to your  
11 cancer?

12 A. My rheumatoid arthritis.

13 Q. Rheumatoid arthritis. And I assume  
14 you have a state authorization for parking in  
15 the handicap spaces?

16 A. I do.

17 Q. I am just curious as to the way  
18 it works in Alabama.

19 A. Yes, sir.

20 Q. How far from Goodwyn Hall were the  
21 handicap spaces where you parked?

22 A. It was outside. This it -- well,  
23 it was outside where the loading dock is.  
24 It was just outside the loading dock at the  
25 back of the building.

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1 Q. Adjacent to the building right  
2 there?

3 A. Yes.

4 Q. Are you familiar with the AUM  
5 Campus Police Officers?

6 A. I do know some of them. I don't  
7 know all of them.

8 Q. Do you know Nel Robinson?

9 A. I do.

10 Q. Do you know Craig Sparrow?

11 A. I don't know him.

12 Q. Do you know R.C.? That's his  
13 first name. I have forgotten his last name.

14 A. If you call his last name out I  
15 might know him. But I don't know.

16 Q. You knew Nel?

17 A. Yes.

18 Q. How long have you known her?

19 A. Since she came to AUM. I don't  
20 know how long that's been. I don't know how  
21 long she has been there.

22 Q. Would you say you have known her  
23 for a number of years?

24 A. Yes.

25 Q. Do you know that she is the Chief?

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1 A. Yes.

2 Q. The Chief Law Enforcement Officer  
3 at AUM?

4 A. Um-hum.

5 Q. Did you ever have occasion to call  
6 Chief Robinson, or any other individual in  
7 the Police Department, for assistance of any  
8 kind?

9 A. I called on occasion for student  
10 matters sometimes when the need arose.

11 Q. For student --

12 A. For student matters when students  
13 were not doing what they needed to do. And  
14 I was directed to call Campus Police. If we  
15 had students who were being disruptive in  
16 class.

17 Q. Misbehaving students and that sort  
18 of thing?

19 A. Yes.

20 Q. Did you ever have to call any of  
21 the police officers to come unlock a door, to  
22 let you in somewhere, or let anybody else in  
23 a room that's locked?

24 A. I may have over the course of 20  
25 years forgotten my key one time and called

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1                   them to let me in.

2                   Q.       Do you recall any occasion where  
3                   the Police Department or the officers didn't  
4                   respond to a request you made of them?

5                   A.       Not in the matters that I called  
6                   about.

7                   Q.       Did you ever ask them to escort  
8                   you to your car?

9                   A.       I asked for Campus Police security,  
10                  and Dr. Lawal said I had to go through Ritvo  
11                  to get that.

12                  Q.       My question, though is, did you  
13                  ever ask anybody in the Police Department to  
14                  escort you to your car?

15                  A.       No.

16                  Q.       Ms. Ellison, are you familiar with  
17                  the AUM harassment policy?

18                  A.       I have read it over the years.

19                  Q.       Do you recall when you first read  
20                  it?

21                  A.       I don't recall when I first read  
22                  it.

23                  Q.       Do you recall when you last read  
24                  it?

25                  A.       Yes.

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1 Q. When did you last read it?

2 A. I think I read it at the time  
3 that Dr. Lawal's behavior changed towards me.  
4 And at times that I was reporting these  
5 incidents to HR.

6 Q. Can you give me a time frame,  
7 other than connecting it to somebody else's  
8 behavior?

9 A. I wasn't accustomed to just pulling  
10 the book out and reading it. So the best I  
11 can tell you would be the fall semester of  
12 2004.

13 Q. Was it closer to the beginning of  
14 that semester, or closer to the end of the  
15 semester?

16 A. Probably closer to the end.

17 Q. To the end.

18 Do you have an understanding of  
19 the reporting procedures contained in that  
20 policy?

21 A. I don't remember the policy  
22 verbatim.

23 Q. Do you have any recollection at  
24 all of the reporting procedures in that  
25 policy?

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1 A. I would have to read it to be  
2 refreshed, to be honest.

3 Q. As we sit here today, you don't  
4 know what the reporting procedures are?

5 A. I do.

6 Q. What are they?

7 A. As related to the harassment  
8 policy, you report it to your supervisor.

9 Q. And what is the supervisor supposed  
10 to do?

11 A. They are supposed to take action.

12 Q. Is it your understanding that the  
13 supervisor of a person who feels he or she  
14 has been harassed, is the person who is  
15 supposed to remedy, or take action to remedy  
16 the harassment?

17 A. Well, when I say "take action,"  
18 they set in motion the rest of whatever the  
19 policy prescribes. Whether it is take the  
20 complaint to the HR or the EEOC person.  
21 That's what I am saying.

22 Q. Okay. I just want to make sure.  
23 And your supervisor, I think you  
24 said during this time, was Dr. Lawal, right?

25 A. The last Dean I worked with was

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1 Dr. Lawal.

2 Q. He started in August of 2004?

3 A. Yes. Can I take a break?

4 MR. DODD: Of course.

5 (Short recess)

6 MR. DODD: Q. Ms. Ellison, did  
7 anyone ever supervise you other than the Dean  
8 of the School of Sciences, whoever that may  
9 have been?

10 A. No.

11 Q. In his role as your supervisor, do  
12 you think that Dr. Lawal had the authority to  
13 discharge you?

14 A. I think so.

15 Q. Did Chris Mahaffy have the  
16 authority to discharge you?

17 A. No.

18 Q. Dr. Lawal certainly had the  
19 authority to assign work to you, did he not?

20 A. Correct.

21 Q. Did Chris Mahaffy have that  
22 authority?

23 A. Department Heads did give me work  
24 to do.

25 Q. What kind of work did Chris

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1 Mahaffy give you to do?

2 A. I assisted with what we call the  
3 Jason Project. There were things that needed  
4 to be done, such as arrangements for the  
5 hiring of extra student workers to work  
6 during that -- I believe it was a one-week  
7 period. And he made the request to the Dean  
8 that I find the students for him.

9 Q. Did the Dean authorize you to do  
10 that?

11 A. Yes.

12 Q. Do you recall if the students that  
13 you found to work on the Jason Project were  
14 the same students who worked in the Dean's  
15 office?

16 A. The students in the Dean's office,  
17 I think there was one or two each time that  
18 would work on the project.

19 Q. On the Jason Project?

20 A. Right. We typically put notes up  
21 in classrooms.

22 Q. Did Dr. Lawal, in your opinion,  
23 have the authorization to reprimand you if  
24 the need arose?

25 A. Yes.

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1 Q. Did Chris Mahaffy have the  
2 authority to reprimand you?

3 A. He didn't have the authority.

4 Q. Did Dr. Lawal ever give you a job  
5 evaluation? A performance evaluation?

6 A. No.

7 Q. You have had performance  
8 evaluations in the past, though, have you  
9 not?

10 A. For the 20 years I was there, yes.

11 Q. Is it true that the Dean is the  
12 person who always did those performance  
13 evaluations for you?

14 A. That's correct.

15 Q. How frequently would you say that  
16 you received salary increases at AUM?

17 A. It depended on what went on in the  
18 legislature. Sometimes we got them every year.  
19 Sometimes they were every two years. It was  
20 four years one time.

21 Q. Did the Dean have the authority to  
22 determine how much of a raise you would get  
23 within the parameters that the legislature  
24 authorized?

25 A. Yes, he did.

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1 Q. Nobody else had that authority, did  
2 they?

3 A. He could recommend it. Someone  
4 had the authority to strike it down.

5 Q. Somebody above him?

6 A. Correct.

7 Q. Chris Mahaffy didn't have that  
8 authority with respect to your salary, did  
9 he?

10 A. Not my salary, no.

11 Q. Ms. Ellison, you have been the  
12 Dean's secretary the entire time of your  
13 employment?

14 A. Yes.

15 Q. Strike that, please.

16 You were the Dean's secretary the  
17 entire time of your employment at AUM?

18 A. That's correct.

19 Q. You were never promoted to another  
20 job?

21 A. Actually, I got an additional  
22 assignment with the Dean's secretary's job.

23 Q. What is that?

24 A. An advisor to students.

25 Q. How did that come about?

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1           A.       We needed an Advising Office. I  
2           was advising students all along about courses  
3           to take. And while Dr. Moody was Acting  
4           Dean, he approved the creation of a School of  
5           Sciences Advising Office and he recognized my  
6           ability to work with the students. He gave  
7           information to Dr. Lawal and Dr. Lawal  
8           carried the recommendation through. And I  
9           was appointed Senior Administrative  
10          Associate/Advisor.

11          Q.       It's additional responsibilities?

12          A.       Right. I actually had to go to  
13          the Advising Office to work several hours a  
14          day.

15          Q.       And Deans Moody and Lawal are the  
16          individuals who facilitated that? Recognized  
17          your skill?

18          A.       Dr. Moody started it and Dr. Lawal  
19          didn't change it when he came.

20          Q.       Was anybody else involved in that  
21          opportunity for you in terms of approving it?

22          A.       No.

23          Q.       It's fair to say, is it not, that  
24          you have never been demoted while you were at  
25          AUM?

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1 A. That's correct.

2 Q. Did the Dean have to authority to  
3 demote you to something else?

4 A. He was Dean. He had that  
5 authority.

6 Q. You served at the pleasure of the  
7 Dean, did you not?

8 A. Absolutely.

9 Q. You had no contract of employment,  
10 did you?

11 A. No.

12 Q. Did you have any co-workers at AUM  
13 whom you would consider to be good friends?

14 A. Ruby Jenkins.

15 Q. Ruby Jenkins. Anybody else?

16 A. Not good friends, no.

17 Q. Other than the incidents involving  
18 Allison Stevens and Barbara Ware, did you  
19 ever have any sort of confrontation with any  
20 co-workers that you would consider significant?

21 MS. RODGERS: Object.

22 THE WITNESS: No. And I don't  
23 consider a -- I did not have a confrontation  
24 with Barbara Ware.

25 MR. DODD: Q. Let's just call

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1           them incidents then. Do you recall any  
2           confrontations or objectionable incidents with  
3           any other co-workers?

4           A.       Not that I recall.

5           Q.       In your job in the Dean's office,  
6           were you aware of the salaries of the other  
7           staff people in the School of Sciences?

8           A.       Yes. I did the payroll.

9           Q.       Were you the highest paid secretary  
10          in the School of Sciences?

11          A.       I was.

12          Q.       Do you know what Title VI is?

13          A.       Title VI, I don't think so.

14          Q.       Do you recall any occasion when  
15          Brad Moody secured some funds, federal funds,  
16          some of which he used to enhance your salary?

17          A.       They -- I don't know where the  
18          money came from. But for the advising, the  
19          additional advising responsibilities they gave  
20          me an additional \$2,000.

21          Q.       Is that on top of salary --

22          A.       It was included in the 40,000.

23          Q.       Do you contend, Ms. Ellison, that  
24          Chris Mahaffy discriminated against you?

25          A.       I do.

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1 Q. Do you contend that any other  
2 individual at AUM discriminated against you?

3 A. I do.

4 Q. Who else?

5 A. Debra Foster, Allison Stevens, Dr.  
6 Ritvo.

7 Q. Did anybody else discriminate  
8 against you?

9 A. That's what I can recall right  
10 now.

11 Q. Do you think there were others?

12 A. I'm sorry. Chris Mahaffy. You  
13 said Chris Mahaffy.

14 Q. We have him. We have Mahaffy,  
15 Foster, Stevens, and Ritvo.

16 A. And Dr. Lawal.

17 Q. Anybody else at AUM discriminate  
18 against you?

19 A. Not that I can recall at this  
20 moment.

21 Q. Do you think there are others, and  
22 you just can't recall them?

23 A. Lots of incidents happened, and I  
24 can't recall every incident.

25 Q. Since you have filed a federal

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1 discrimination lawsuit, you think it's more or  
2 less likely that you would recall who you  
3 contend discriminated against you?

4 MS. RODGERS: Objection.

5 THE WITNESS: Those are the ones  
6 that discriminated against me.

7 MR. DODD: Q. Now, Chris Mahaffy  
8 is white, correct?

9 A. Yes.

10 Q. Debra Foster is black?

11 A. Correct.

12 Q. Allison Stevens is white?

13 A. Yes.

14 Q. Roger Ritvo is white?

15 A. Yes.

16 Q. And Bayo Lawal is black?

17 A. Correct.

18 Q. How did Debra Foster discriminate  
19 against you?

20 A. In filing my complaints in the  
21 Human Resource Office with Debra Foster, I  
22 did not receive the same treatment that  
23 others received. In particular, Chris  
24 Mahaffy. Chris was allowed a summary report.  
25 I asked for one, didn't get it.

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1 Q. Let's back up one second. You  
2 said when you filed your complaint. Which  
3 complaint are you talking about?

4 A. Okay. Let's go with the first  
5 complaint. I filed my complaint about  
6 Allison Stevens, who called me a nigger.

7 Q. When did you file your complaint?

8 A. That complaint was filed in  
9 December 2003.

10 Q. Was it in writing?

11 A. Yes.

12 Q. You filed that with Debra Foster?

13 A. Yes.

14 Q. Do you have a copy of that  
15 complaint?

16 A. It should be with my materials.

17 Q. You do have a copy of it?

18 A. Yes.

19 Q. You have got to say "yes."

20 Now, with respect to that complaint  
21 about Allison Stevens that you filed in  
22 December 2003, how did Debra Foster  
23 discriminate against you?

24 A. During the investigation she  
25 interviewed all of the white witnesses. She

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1 did not interview the black witness. And I  
2 should say she didn't interview the black  
3 witness until I called it to their attention,  
4 and Dr. Nance made her go back and do it.

5 Q. Ultimately she did interview  
6 everybody you wanted her to interview?

7 A. Not that I wanted her to  
8 interview. Everybody that was party to the  
9 incident.

10 Q. Did you want her to interview  
11 anybody other than the ones she interviewed?

12 A. No.

13 Q. Did Debra Foster discriminate  
14 against you in any other way with respect to  
15 your complaint about Allison Stevens?

16 A. I think she did. In that I don't  
17 think the investigation was a thorough one.

18 Q. Why was it not thorough?

19 A. Because when she called me over --  
20 I'm trying to remember the date. When she  
21 called me over and spoke with me in the  
22 presence of Faye Ward, she said, "I have  
23 never had a complaint like this before. I  
24 really don't know what to do. You know  
25 these people on this Campus are just crazy."

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1 But there were other investigations or  
2 complaints that I'm sure had full attention  
3 of HR. I don't feel like I got due process.

4 Q. How were you harmed by what you  
5 claim Debra Foster didn't do, or were you  
6 harmed?

7 A. Well, actually, I was. Because  
8 when things -- when other things started  
9 happening, I didn't have the confidence to  
10 report it to HR because I knew nothing would  
11 be done. So I was affected.

12 Q. How were you harmed, though? Were  
13 you harmed in your job in any way?

14 A. Yes. I was harmed because --  
15 well, I had worked there for 20 years and  
16 never had to encounter the type behavior that  
17 was coming at me. And that behavior was  
18 coming at me because I was a black female.

19 Q. You are talking about Allison  
20 Stevens now?

21 A. That's right. I even asked Debra  
22 to come over to the area to see what kind of  
23 atmosphere I was working in. Because I said  
24 to her, "I am working in a hostile  
25 environment." She didn't give any

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1 consideration to that. She never came over or  
2 anything.

3 Q. What do you consider a hostile  
4 environment?

5 A. I consider a hostile environment  
6 one in which you can't successfully do your  
7 work. One that someone has made so  
8 impossible to work in that you are paying  
9 attention to things around you, people around  
10 you rather than the work you can get done.

11 Q. Did Allison Stevens cause that?

12 A. Allison and Chris Mahaffy.

13 Q. We will get to Mahaffy in a  
14 minute. I am concerned right now about your  
15 contention with respect to Debra Foster and  
16 Allison Stevens. Okay?

17 A. Okay.

18 Q. Now, you say Debra Foster initially  
19 interviewed only the white witnesses and that  
20 she didn't do a thorough investigation, right?

21 A. That's right.

22 Q. Did she discriminate against you in  
23 any other fashion concerning the Allison  
24 Stevens incident?

25 A. What do you mean "any other

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1 fashion"?

2 Q. Did she discriminate against you by  
3 doing, or not doing else in connection with  
4 that investigation or that incident?

5 A. Right. She did not follow through  
6 with the investigation. She did not do what  
7 she was supposed to do. I was just asking  
8 her to do her job.

9 Q. What did she not do?

10 MS. RODGERS: Object to form.

11 MR. DODD: Q. What do you  
12 contend she did not do?

13 A. She didn't follow through with the  
14 process of interviewing the witnesses. I  
15 complained to Dr. Nance. Dr. Nance redirected  
16 her. And that's when she interviewed the  
17 black witnesses.

18 Q. Ultimately every witness was  
19 interviewed, right?

20 MS. RODGERS: Object.

21 THE WITNESS: Yes.

22 MR. DODD: Q. Now, are you  
23 contending that Debra Foster discriminated  
24 against you because of your race?

25 A. I'm contending that she

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1 discriminated against me in treating me  
2 differently from other cases that she had  
3 investigated.

4 Q. Do you contend that she treated  
5 you differently for any particular reason?

6 MS. RODGERS: Object to form.

7 THE WITNESS: I think she treated  
8 me differently because she just didn't like  
9 me. Now, I am going to be honest with you.

10 MR. DODD: Q. Did Allison Stevens  
11 -- strike that, please.

12 Did Debra Foster -- do you contend  
13 that Debra Foster discriminated against you at  
14 any time after the Allison Stevens incident  
15 was completed?

16 A. During the second investigation  
17 with Chris Mahaffy.

18 Q. Now, which one was that? Which  
19 investigation was that?

20 A. When I complained that Chris'  
21 behavior had changed. His personality had  
22 changed to the point where I was fearful for  
23 being in the office.

24 Q. Is that the -- was that initiated  
25 by your conversation with Roger Ritvo on

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1 November the 30th, 2004, and your subsequent  
2 submission of a memorandum to him?

3 A. That was initiated by his behavior  
4 at the end of the first -- at the failing of  
5 the first Dean search and I reported it to  
6 my supervisors. And I talked to -- well, I  
7 tried to talk to Debra Foster about it, but  
8 I ended up talking to Faye Ward about it,  
9 who referred me back to my supervisors to  
10 follow the right chain-of-command.

11 Q. Let's back up so I can make sure  
12 I am with you here. This was an incident  
13 that occurred before the Allison Stevens  
14 incident, correct?

15 A. Right.

16 Q. You are talking about the first  
17 Dean search, right?

18 A. The first Dean search.

19 Q. Spring of 2002, I think you told  
20 me earlier.

21 A. This was the transition between the  
22 end of the first Dean search. It was at the  
23 end. It was either at the end of spring or  
24 summer because the Dean search had failed.

25 Q. In the year 2002?

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1 A. Let me think a minute.

2 Q. Okay.

3 A. Okay. The spring search would  
4 have started -- I mean the search would have  
5 started winter and spring of '03. The failed  
6 -- at the end of that spring and the  
7 incident with Allison was in December of '03.

8 Q. The first Dean search was in 2003?

9 A. The failed part of it. I don't  
10 remember whether it started in 2003, but I  
11 know it ended sometime early in 2003.

12 Q. The Allison Stevens incident  
13 occurred between the first and second Dean  
14 searches?

15 A. Right.

16 Q. Let's go back to the first Dean  
17 search then.

18 A. Okay.

19 Q. Tell me what happened where you  
20 think that Debra Foster discriminated against  
21 you.

22 A. Okay. At the end of the first  
23 Dean search when Chris didn't make the short  
24 list, and ultimately he hadn't become Dean,  
25 his behavior changed to the point that I

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1 would come to work in the mornings. He  
2 would be sitting at my desk crying or just  
3 sitting there. That happened several days in  
4 a row saying that I should be Dean. Making  
5 comments about what he could do if he were  
6 Dean. He appeared to me to be unstable, so  
7 I went to the -- okay. I reported it.

8 Q. You reported it or recorded it?

9 A. I reported it to the Dean at the  
10 time.

11 Q. Who was?

12 MS. RODGERS: Take your time.

13 THE WITNESS: I'm trying to get my  
14 time line right with the Dean searches.  
15 That's the important thing.

16 MR. DODD: Q. You told me  
17 earlier that Brad Moody was Dean from  
18 December '02 through August '04. The first  
19 Dean search ended in '03, and Brad Moody was  
20 the Dean, correct?

21 A. That's right. Because Glen Ray  
22 and Brad Moody spoke with Chris about his  
23 behavior. But in the meantime I had said  
24 something to Faye Ward in HR. She told me I  
25 needed to talk to Debra Foster and my

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1 supervisors, but to report it to my  
2 supervisors first.

3 Q. And you did?

4 A. I did.

5 Q. Did you make this report in  
6 writing?

7 A. I put everything in writing.  
8 Let's see. At this time I talked to -- I  
9 had a meeting with Glen and Brad. I spoke  
10 to Faye. And I did not talk to Debra during  
11 that because I didn't think it would help.  
12 I'm getting confused here.

13 MS. RODGERS: You take your time  
14 and answer his questions. If you can  
15 remember, you remember. But don't get  
16 stressed about how much time you are taking.

17 THE WITNESS: Okay.

18 MR. DODD: Q. Let's back up a  
19 little bit. Maybe this will help you.

20 A. Okay.

21 Q. Mahaffy didn't make the short list  
22 for the first Dean search, and obviously he  
23 was not selected?

24 A. Right.

25 Q. That irritated him, did it not?

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1 A. Yes. It sent him over the top.

2 Q. He was upset that he was not  
3 selected to be Dean, right?

4 A. He came to me and he told me that  
5 he thought I had something to do it with it.

6 Q. On occasions after that you  
7 observed him sitting at your desk?

8 A. Right.

9 Q. And sometimes he was crying?

10 A. Right.

11 Q. You thought that something was  
12 wrong, right?

13 A. Something was wrong.

14 Q. What was wrong?

15 A. He said that he blamed me for not  
16 being selected as Dean. He thought I had  
17 some influence over even the first search.  
18 And I wasn't even on the Committee.

19 Q. What other behaviors did he exhibit  
20 at that time that disturbed you?

21 A. His countenance was different.

22 Q. How so?

23 A. He looked -- how should I say it?  
24 He didn't look like he had -- his hygiene  
25 was not intact.

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1 Q. His what?

2 A. Hygiene. He wasn't shaven. He  
3 said he had come to the office. He couldn't  
4 sleep at night and he had come to the office  
5 at 4:00 o'clock that morning and came in.  
6 He was sitting there waiting on me.

7 Q. How many times did that occur that  
8 he would be sitting at your desk?

9 A. Two times. The first time was in  
10 the dark. I unlocked my office, went in to  
11 go to my desk. Flipped the light on and  
12 when I got around to where I was supposed to  
13 sit, there was Chris.

14 Q. All right. Now, you reported it  
15 to Brad Moody?

16 A. I reported it to Brad Moody and to  
17 Glen Ray.

18 Q. Glen Ray was the Associate Dean,  
19 was he not?

20 A. Right.

21 Q. He reported to Brad?

22 A. Right.

23 Q. You think you put it in writing  
24 because you put everything in writing?

25 A. Well, I didn't say I put

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1 everything in writing. I say what I said  
2 earlier. There was so many incidents that I  
3 don't remember all of them. I do remember  
4 that every time an incident happened I  
5 reported it to the proper person.

6 Q. But you also did not report it to  
7 Debra Foster, correct?

8 A. I reported it to HR. I did talk  
9 to Faye Ward.

10 Q. You didn't talk to Debra Foster --

11 A. Not at this time.

12 Q. Because you didn't think it would  
13 help, right?

14 A. I didn't.

15 Q. At least with respect to that  
16 incident, Debra Foster could not have  
17 discriminated against you because you didn't  
18 report it to her, right?

19 MS. RODGERS: Object to form.

20 THE WITNESS: Okay.

21 MR. DODD: Q. Do you agree with  
22 that?

23 A. Okay.

24 Q. Is that a "yes."

25 A. Yes.

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1 Q. Now, you said you talked to Faye  
2 Ward?

3 A. Right.

4 Q. And Faye Ward told you you needed  
5 to go to Debra Foster?

6 A. She said I needed to go back to  
7 the chain-of-command and come back to Debra  
8 Foster, because Debra Foster was the EEOC  
9 person there.

10 Q. And you declined to do that,  
11 right?

12 MS. RODGERS: Object to form.

13 THE WITNESS: I declined --

14 MR. DODD: Q. You declined to go  
15 to Debra Foster?

16 A. I went to my supervisors, yes.

17 Q. Instead?

18 A. Uh-huh.

19 Q. You have got to say "yes."

20 A. Yes.

21 Q. What did Brad Moody and Glen Ray  
22 do with your report?

23 A. At first they didn't do anything.  
24 And when the behavior continued, I told them  
25 that I was no longer willing to work there

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1 unless something was done with Chris.

2 Q. How long after this incident we  
3 have been talking about with Chris, did that  
4 conversation take place?

5 A. At least a couple of weeks. If  
6 not more.

7 Q. Do you know if Brad Moody or Glen  
8 Ray or both of them had any meetings or  
9 discussions with Chris Mahaffy about the  
10 report you made?

11 A. They did meet with Chris.

12 Q. Were you there?

13 A. I was in one of the meetings.

14 Q. How many meetings did they have?

15 A. I can't tell you how many they  
16 had. They had several that I wasn't involved  
17 in.

18 Q. How many meetings did you attend?  
19 One?

20 A. One.

21 Q. When was that?

22 A. It was about -- about four weeks  
23 later, they called me in the office with  
24 Chris. It was Chris, me -- Dr. Mahaffy, me,  
25 Glen and Brad. And they told me that Chris

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1 had agreed that he needed to see somebody.  
2 Glen was going to find somebody for him to  
3 see. And Glen assured me that he would not  
4 let him go alone. That he would go with  
5 him.

6 Q. Do you know Glen's training?

7 A. He is a psychologist.

8 Q. Do you know what he meant --  
9 strike that.

10 Did he tell you what he meant when  
11 he said that Chris would see somebody?

12 A. Yes, he did.

13 Q. What did he say?

14 A. Chris was not present. After the  
15 meeting was over Glen told me that his wife  
16 is also in counseling. I don't know what  
17 she does exactly, but that he was going to  
18 ask his wife to recommend somebody that Chris  
19 could see. And that he was going to be sure  
20 that Chris saw that person.

21 Q. Did you have any understanding of  
22 what Glen was talking about?

23 A. Yes.

24 Q. What was your understanding?

25 A. That he was going to see a

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1           psychiatrist, or psychologist, or whoever. I  
2           don't know.

3           Q.       Did you believe that Glen thought  
4           that Mahaffy had psychiatric or psychological  
5           problems?

6           A.       He told me so. He told me that  
7           he thought he had.

8           Q.       Did he tell you what condition he  
9           thought Mahaffy suffered from?

10          A.       He did not.

11          Q.       Did you ever have an opinion of  
12          what condition Mahaffy suffered from?

13          A.       Ever?

14                   MS. RODGERS: Object to form.

15                   THE WITNESS: I have no idea. I  
16           don't know the names of the conditions. I  
17           just knew he made me afraid.

18                   MR. DODD: Q. Do you believe  
19           that he did have a psychological or  
20           psychiatric condition of some kind?

21          A.       Based on what Glen said, yes.

22          Q.       What about based on your own  
23           observation?

24          A.       Based on my observation I could  
25           tell something was wrong. I am not a

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1 doctor, so I don't know that for a fact.

2 But based on what I observed.

3 Q. Did that conclusion -- did that  
4 result satisfy you?

5 MS. RODGERS: Objection.

6 THE WITNESS: It satisfied me for  
7 the moment that he said he was going to take  
8 him to see somebody, but his behavior didn't  
9 stop.

10 MR. DODD: Q. Do you know if  
11 he, in fact, took Chris Mahaffy to see  
12 somebody?

13 A. I do not know that for a fact.

14 Q. Ms. Ellison, do you contend that  
15 Debra Foster discriminated against you with  
16 respect to any other investigation or any  
17 other complaint you raised?

18 A. Not that I raised.

19 Q. Do you contend that she  
20 discriminated against you with respect to a  
21 complaint that anyone raised?

22 A. Well, I do actually.

23 Q. Tell me about it.

24 A. Jessie Clayton, who was a black  
25 student, applied for the -- to be the School

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1 of Sciences Computing Center Director because  
2 the job had become vacant. And I told him  
3 to go over to see Debra to see about  
4 applying for the job. And he did apply for  
5 the job, as well as several others, including  
6 Bo Holt, H-o-l-t, who now has the job. And  
7 Debra -- well, during the course of the  
8 applications and everything that you do for  
9 the jobs in selecting the person to be  
10 interviewed, Jessie was told by Debra not to  
11 make waves because he wasn't being interviewed  
12 for the job. To just go back and don't  
13 worry about it. And -- well, I talked to  
14 Debra about it. And I believe -- well, I  
15 believe in every subsequent thing that I had  
16 to say or do, she didn't want to hear  
17 anything else I had to say. Nothing. Whether  
18 it dealt with payroll, or any other personnel  
19 matters. Anything.

20 Q. You kind of lost me here. Let's  
21 back up and see if I can understand it.  
22 Okay.

23 When did Jessie Clayton apply for  
24 this job?

25 A. I don't remember.

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1 Q. Do you remember the year?

2 A. It had to be 2002, I believe, or  
3 '03.

4 Q. And Bo Holt is a student?

5 A. 2003. He was a student, yes. He  
6 was a student worker in one of the other  
7 schools.

8 Q. Is he white or black?

9 A. He is white.

10 Q. I'm sorry.

11 A. He is white.

12 Q. He got the job, right?

13 A. He did.

14 Q. Do you think there is something  
15 sinister about that?

16 MS. RODGERS: Object to form.

17 MR. DODD: Q. Do you think there  
18 is something discriminatory about that?

19 A. We changed the job description to  
20 fit his credentials. We took off the  
21 requirement for a Bachelor's Degree at the  
22 request of Debra Foster.

23 Q. Are you suggesting or contending  
24 that Jessie Clayton was more qualified for  
25 that job than Bo Holt?

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1 A. In my opinion he was.

2 Q. How did that affect you, though?

3 A. My conversation with Debra about  
4 how I thought Jessie had been treated, I  
5 think that affected her attitude towards me.

6 Q. And that affected the way she  
7 dealt with you on issues that came up  
8 subsequently?

9 A. That's right.

10 Q. Do you think Debra Foster's  
11 attitude toward you that you have described  
12 has anything to do with the fact that you  
13 are black, or is it more likely that, as you  
14 said earlier, she just doesn't like you?

15 MS. RODGERS: Object to the form.

16 THE WITNESS: I don't know how to  
17 answer that. I guess only she can answer  
18 that.

19 MR. DODD: Q. Do you think that  
20 Debra Foster took any action, or refused to  
21 take any action that needed to be taken about  
22 anything, because you are black?

23 MS. RODGERS: Object to form.

24 THE WITNESS: I can't answer that  
25 either.

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1 MR. DODD: Q. Why can't you  
2 answer that?

3 A. Because what action she takes  
4 depends on what she thinks, not on what I  
5 think.

6 Q. I am just asking if you believe  
7 that.

8 A. Repeat your question.

9 Q. Yes. Do you think that Debra  
10 Foster took any action, or refused to take  
11 any action that she should have taken about  
12 anything, because you are black?

13 MS. RODGERS: Object to form.

14 THE WITNESS: Not because I am  
15 black per se, no.

16 MR. DODD: Q. Ms. Ellison, are  
17 there any other events, complaints,  
18 investigations or incidents involving yourself  
19 and Debra Foster where you think she  
20 mistreated you, or discriminated against you,  
21 other than the ones we have discussed?

22 A. I think she mistreated me during  
23 the Barbara Ware incident.

24 Q. Okay. Tell me about the Barbara  
25 Ware incident, what you recall?

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1           A.       Well, I don't know much about it  
2           myself. I do know that it arose because  
3           Barbara was -- I didn't know until later.  
4           She was off Campus, and I was getting  
5           materials together for payroll. I had to do  
6           payroll that next day. I called her office  
7           several times. Actually, I think I called  
8           the first time looking for Chris, and I  
9           didn't get an answer. And I called the  
10          second time because I was doing payroll.

11                 Barbara had turned in her time  
12          sheet, and she had left Friday on that  
13          particular time sheet blank: So I was trying  
14          to get in touch with Barbara to find out  
15          whether it was going to be leave, or whether  
16          she was working, whatever the situation was  
17          going to be. Chris informed me the next day  
18          that Barbara had taken leave. He had given  
19          Barbara permission to leave that afternoon. I  
20          was just calling to be sure she wasn't going  
21          to be docked for a day's work.

22                 That next day, if I recall  
23          correctly, Bayo called me into his office and  
24          said that Barbara had filed a complaint with  
25          Debra Foster about my calling her office.

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1 And that's all I knew.

2 He says, "All I can tell you is I  
3 have gone over, and I have spoken with Debra.  
4 I read the complaint. The complaint is three  
5 pages long."

6 He says, "We are going to talk to  
7 Barbara, and nothing will come of it."

8 I said, "What do you mean nothing  
9 will come of it?"

10 He said, "Debra and I both read  
11 the complaint, and we feel like it's been  
12 embellished by Chris Mahaffy."

13 Because Barbara had only been there  
14 for several months. I never saw the  
15 complaint. I never fully understood why she  
16 complained. Debra Foster and Bayo Lawal  
17 immediately met with me in the conference  
18 room in the Dean's office and said -- I had  
19 something in writing to give to them to tell  
20 them what occurred. They didn't want it.

21 They said, "Don't worry about this.  
22 This is frivolous. This is something that  
23 Chris has done. She wasn't here long enough  
24 to even know what she had written about in  
25 the complaint." I asked them again at that

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1 time if I could see the complaint. They  
2 refused.

3 After that she said, "If you will  
4 just tell me that you will be mindful of  
5 Barbara's feelings and everything will be  
6 fine."

7 I said, "Well, I will be mindful  
8 of her feelings, but I don't know what's  
9 happening." And that's the way the meeting  
10 ended.

11 Later that afternoon, I believe it  
12 was a student worker from Debra's office,  
13 delivered a letter to Dr. Lawal. I asked  
14 Dr. Lawal was it concerning our meeting. He  
15 said, "Yes." That Debra had sent him a  
16 letter and Barbara a letter. I complained --  
17 or I asked him, "Why did you and Barbara get  
18 a letter, and I didn't get a letter?" I  
19 wrote a memo to that effect to Dr. Lawal  
20 copying Debra Foster. That's all I know  
21 about Barbara Ware's complaint. I was  
22 involved in it, but I really don't know what  
23 the complaint said.

24 Q. Have you ever seen it?

25 A. I have never seen it.

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1 Q. Have you had any disagreements with  
2 Barbara Ware?

3 A. I haven't had any disagreements  
4 with her. The only thing that I can recall  
5 that we may have discussed was that Barbara  
6 wanted to take lunch between 1:00 and 2:00  
7 and 2:00 and 3:00. And because I needed to  
8 know where all the secretaries were, because  
9 the Deans required that, I told her that when  
10 she takes late lunches, she needed to let me  
11 know or transfer her calls to my office.  
12 She didn't like it, and she complained to  
13 Chris.

14 Q. Do you have any idea why she did  
15 not like that?

16 A. No.

17 Q. Do you know if Chris Mahaffy had  
18 given her any different allowances regarding  
19 her lunchtime?

20 A. Neither Chris nor Barbara  
21 communicated anything to me.

22 Q. And tell me now why this is an  
23 issue with Debra Foster because she wouldn't  
24 show you a copy of the letter?

25 A. Because I was mistreated. I was

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1           lied to. She told me that "This was nothing  
2           and don't worry about it." Then all of a  
3           sudden it became a big deal.

4           Q.       Do you have any other complaint  
5           about the manner in which Debra Foster  
6           treated you, investigated the complaint, or  
7           handled anything official?

8           A.       I don't think she did her job in  
9           respect to my complaints, as I observed it.  
10          I had to go back, as I said, to Dr. Nance,  
11          at least once, maybe twice, to get her to  
12          investigate the Allison Stevens situation.

13          Q.       We talked about that already.

14          A.       Right.

15          Q.       I am talking about anything new.

16          A.       Not Debra Foster that I can  
17          recall.

18          Q.       Now, Allison Stevens was a  
19          co-worker of yours, was she not?

20          A.       That's correct.

21          Q.       She was the secretary for Physical  
22          Sciences?

23          A.       Right.

24          Q.       She was not a supervisor, right?

25          A.       No.

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1 Q. A part of that controversy -- or  
2 the entire controversy had to do with Allison  
3 Stevens using a racial slur with you, right?

4 A. That's what it escalated into, yes.

5 Q. I believe from some of the  
6 documents I have seen that you said she did  
7 not really say the "N" word, but she came  
8 close to saying it.

9 A. She said it enough for me to know  
10 what she said.

11 Q. There is really no difference  
12 between saying it or saying part of it,  
13 right?

14 A. She said it. I heard what she  
15 said.

16 Q. I'm not going to argue phonetics  
17 with you here.

18 A. Right.

19 Q. In your mind, you are certain that  
20 she either said it, intended to say it, but  
21 the meaning was clear, right?

22 A. The meaning was clear.

23 Q. That happened on December the 23rd,  
24 right, 2003?

25 A. It happened in the early part of

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1 the first week of December, yes.

2 Q. Brad Moody was the Dean?

3 A. Yes.

4 Q. Your Dean?

5 A. Yes.

6 Q. Glen Ray was the Associate Dean?

7 A. Correct.

8 Q. And Chris Mahaffy was Allison  
9 Steele's supervisor?

10 A. Stevens.

11 Q. Stevens, sorry.

12 And this event happened, did it  
13 not, when none of those three was in the  
14 office?

15 A. Correct.

16 Q. Perhaps at lunchtime or  
17 thereabouts?

18 A. No. It was -- I'm certain it was  
19 around 10:00 or 10:30 that morning. Randy  
20 Richardson and two students came in and asked  
21 me why Allison's door was closed with a do  
22 not disturb sign on it.

23 Q. And you went to see?

24 A. Right.

25 Q. Tell me what happened.

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1           A.       I remember that Randy and the two  
2 students that were with him stayed in my  
3 office. There was a student worker there for  
4 me. She was at her desk.

5                   You can gain entry to Allison's  
6 area through our conference room. So rather  
7 than go all of the way down the hallway, I  
8 went through the conference room. I opened  
9 the back side of the door to where Allison  
10 is seated.

11                   And I said, "Randy is in the  
12 office with a couple of students and he needs  
13 to talk to you, but he said there is a do  
14 not disturb sign on the door." I said, "Can  
15 you tell me what's going on?"

16                   She says, "Well, I am putting in  
17 the banner numbers." We have a banner system  
18 for registration, and each secretary would  
19 take their turn entering their numbers for  
20 their particular courses.

21                   I said, "Well, I don't think we  
22 can close the door like this in the middle  
23 of the morning." I said, "If you need time  
24 to do it, you need to either let me know  
25 what's going on and transfer your calls."

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1 Then she turned around and she stood up, and  
2 she just screamed at me.

3 Q. How long did this last?

4 A. Not more than two or three  
5 minutes.

6 Q. In addition to the slur, what  
7 other things did she say?

8 A. She was saying, "You make me sick.  
9 You make me sick. Why don't you retire?  
10 Everybody wants you to retire anyway." She  
11 said a lot of things. At the end of those  
12 things, she said, "You nigger."

13 And I said, "What did you say?"  
14 And that's just the way I said it. I said,  
15 "What did you say?" And I said, "Allison, I  
16 am through with this."

17 So I went back to my office and I  
18 told Randy. I said "She is working in  
19 banner." I said, "But I have taken the sign  
20 off the door. If you need assistance, you  
21 can go back to Allison."

22 Shortly thereafter Mahaffy came in  
23 the office. And I told him what happened and  
24 I told him the things that Allison said and  
25 that she called me a nigger.

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1 Q. Now, what happened that afternoon  
2 with respect to Brad?

3 A. That afternoon there was a meeting  
4 with me, Brad, as I recall Glen and Allison.

5 Q. Was Chris in the meeting?

6 A. Yes. Chris was in the meeting.  
7 And Allison admitted to saying mean and ugly  
8 things. Brad took it to mean -- well, and  
9 then I said, "You called me" and Brad stopped  
10 me in mid sentence and said, "I am not going  
11 to let you and Allison turn this meeting into  
12 going back and forth at each other." He  
13 said, "Allison, you have to work with  
14 Cynthia. Cynthia, you have to work with  
15 Allison. Chris, you need to let Cynthia know  
16 when you have given Allison permission to  
17 close her door and do whatever." That's  
18 pretty much the gist of the meeting that I  
19 recall.

20 Q. Who called the meeting?

21 A. I believe Brad called it.

22 Q. How did Brad find out about the  
23 confrontation?

24 A. I assume Chris told him. I didn't  
25 tell Brad then. Or Glen might have told

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1 him. I really don't remember. I know we  
2 had a meeting about it.

3 Q. Until the meeting occurred, Mahaffy  
4 was the only person you had told, correct?

5 A. That was her supervisor.

6 Q. But that's the only person you  
7 told, right?

8 A. That's right.

9 Q. Were you satisfied with Brad  
10 Moody's handling of the meeting?

11 MS. RODGERS: Object to form.

12 THE WITNESS: I wasn't satisfied.  
13 Brad was trying to make peace. He wasn't  
14 addressing the issue. Because I still raised  
15 issue that I had been called a name. If you  
16 believe that she said these other things, why  
17 can't you believe she said that. I not only  
18 had issue with Brad with that, I also had  
19 issue with Glen with that. I told them that  
20 I wasn't satisfied.

21 MR. DODD: Q. Other than the  
22 fact that Allison Stevens said ugly things,  
23 do you know of any reason why they should  
24 believe you that she used the racial slur  
25 over her when she said she didn't?

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1 MS. RODGERS: Object to form.

2 THE WITNESS: Well, I don't know  
3 believe me over her. This wasn't the first  
4 time that Allison had to be told that she  
5 was supposed to adhere to directives and  
6 requests from the Dean's office.

7 We had the same problem with her  
8 when Bobby Elliott was Dean. Bob called a  
9 meeting. At Allison's request, because  
10 Allison wanted to know if I was her  
11 supervisor. And Bob told her that "Yes,  
12 Cynthia is your supervisor." In that I don't  
13 have to evaluate her. "But she is your  
14 supervisor in that she has directives from  
15 me. When she gives those directives, I  
16 expect them to be done." She said to Bob,  
17 "If she is my supervisor, I am going to  
18 quit." She didn't quit.

19 MR. DODD: Q. Is it fair to say  
20 that after the meeting that afternoon on  
21 December the 3rd, 2003, you weren't satisfied  
22 with how it had been handled?

23 MS. RODGERS: Object to form.

24 THE WITNESS: It's fair to say  
25 that I wasn't satisfied.

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1 MR. DODD: Q. What did you do,  
2 or did you follow up on the meeting? Did  
3 you file a complaint about it? What did you  
4 do?

5 A. I filed a complaint later.

6 Q. When?

7 A. I think my complaint was dated  
8 either the end of February or the 1st of  
9 March. Sometime the 1st of March.

10 Q. And to whom did the complaint go?  
11 Strike that.

12 To whom did you send the  
13 complaint?

14 A. Well, I initially contacted Guin  
15 Nance.

16 Q. Initially?

17 A. I think so, but I didn't -- okay.  
18 After our meetings. I'm trying to remember  
19 this. Because the investigation didn't come  
20 until later because I know that Guin  
21 requested that I ask Debra to investigate.  
22 And that was either early March or late  
23 February.

24 Q. Let me see if I understand. You  
25 contacted Guin Nance?

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1 A. I did.

2 Q. About the Allison Stevens incident?

3 A. Well, I contacted Guin Nance  
4 because -- okay. After the meetings with me,  
5 Glen, Chris and Allison and Brad, Glen said  
6 to Allison, "I want you to come to me once a  
7 week and tell me how Cynthia is treating  
8 you." And I thought that was unfair.

9 They also set it up that if I  
10 asked for any work to be done, I made a  
11 request to Allison, but either another faculty  
12 member or Chris would show up and put the  
13 work in the Dean's office and leave.

14 I went in, spoke to Brad, told him  
15 what was happening. At that time I found  
16 out that they, Glen, Brad and Chris had  
17 decided that it would be best for Allison not  
18 to interact with me and have some member of  
19 the faculty, or Chris run interference. And  
20 I -- of course, I was upset.

21 Q. Why did that upset you?

22 MS. RODGERS: Object to form.

23 THE WITNESS: Because I saw that  
24 as being mistreated. I saw that as them not  
25 believing that she had called me a nigger.

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1 But all of that -- after all of that  
2 happened, and I think Allison actually went  
3 to see Glen once a week, I really don't  
4 know. I didn't follow up on that. I just  
5 wanted to do my work.

6 There came a day that -- and I  
7 have never seen the letter or whatever.  
8 There was talk that there was a letter on  
9 Campus that went to Dr. Nance that said the  
10 Dean's secretary in the School of Sciences,  
11 another secretary had used the racial slur  
12 toward her. Dr. Nance had an open door  
13 policy.

14 Over the years I have talked to  
15 Dr. Nance about many things, not only Dr.  
16 Nance, but other Vice Chancellors or whatever.  
17 I didn't want my name to be associated with  
18 something that I had not written.

19 So I contacted Guin Nance to let  
20 her know that I was not the author of  
21 whatever this document was. And that if I  
22 had a problem, I would, like I had done in  
23 the past, come to her directly.

24 She responded to me in writing and  
25 said that she appreciated it, but she thought

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1           that I needed to have Debra investigate.

2                   I responded back to her that I  
3           didn't really want to talk to Debra because  
4           Debra didn't do anything. She asked me to  
5           have Debra investigate anyway. That's when I  
6           put it in writing, I believe. But those are  
7           the sequence of events.

8                   Now, the dates would be in that  
9           December to March window.

10                   MR. DODD: Q. Okay. Up until  
11           then, that window, December to March 2004, I  
12           think from what you told me before, the only  
13           interaction you had had with Debra Foster  
14           concerning a complaint of some kind was the  
15           one concerning Jessie Clayton. Were there  
16           any other others?

17                   A.       If I told you that, that was a  
18           mistake.

19                   Q.       You mentioned the first Dean  
20           search. You told me you didn't go to her  
21           because you didn't think it would help.

22                   A.       But I did report it to HR.

23                   Q.       Why, with respect to the Allison  
24           Stevens issue, did you tell Guin Nance that  
25           you didn't think it would do any good to

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1 report it to Debra Foster?

2 A. Because it was known around Campus  
3 that Debra started fires. She didn't put  
4 them out.

5 Q. Can you explain that to me?

6 A. People who had gone up to Debra,  
7 they didn't see or get results.

8 Q. Are you saying you wrote that  
9 message to Guin Nance about, "It won't do any  
10 good to go to HR"?

11 A. I met with her personally.

12 Q. Did you tell her that in your  
13 meeting?

14 A. I told her exactly that. I told  
15 her that people thought Debra was starting  
16 fires instead of putting them out.

17 Q. Now, did you tell Guin Nance that  
18 based on what others at the University had  
19 said about starting fires and not putting  
20 them out, or did you tell Guin Nance that  
21 based on your own experiences with Debra  
22 Foster?

23 A. You know, I really believe it was  
24 both. I think I cited some examples to Guin  
25 Nance. And it was a combination of what

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1 others had said. All University people talk.

2 Q. Did you want the Allison Stevens  
3 incident investigated, or did Guin Nance want  
4 it investigated, or both?

5 A. It was both. After I had my  
6 meeting with Guin, it was both of us.  
7 Because I had been mistreated.

8 Q. What prompted you to write to Guin  
9 and meet with her? Was it your feeling that  
10 you had been mistreated, or was it the fact  
11 that this anonymous letter had appeared?

12 A. It was both.

13 Q. Why did you wait so long before  
14 going to her?

15 MS. RODGERS: Object to form.  
16 Sorry.

17 MR. DODD: Q. Why did you wait  
18 close to three months before you went to Guin  
19 Nance?

20 A. I don't know that it was three  
21 months, but I took immediate action on what  
22 had happened to me.

23 Q. How did you take immediate action?

24 A. I told her supervisor. We met  
25 with the Dean, the Associate Dean.

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1 Q. That was that day, right?

2 A. It was that day or the day after.  
3 It was within -- yes.

4 Q. You didn't tell your supervisor  
5 that Allison Stevens had used a racial slur,  
6 did you?

7 MS. RODGERS: Object to form.

8 THE WITNESS: Not that day. No,  
9 not at that time.

10 MR. DODD: Q. Did you ever tell  
11 Brad Moody that Allison Stevens had used a  
12 racial slur?

13 A. I did.

14 Q. When?

15 A. It might have been a couple of  
16 weeks later. I'm not sure.

17 Q. What was the context of that  
18 conversation?

19 A. That was when -- well, he found  
20 out that day because we had that meeting.  
21 He knew she had called me a nigger.

22 Q. How do you know that Brad Moody  
23 knew that?

24 MS. RODGERS: Object to form.

25 THE WITNESS: Well, I told him in

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1 the meeting.

2 MR. DODD: Q. Let me get this  
3 straight. In the meeting on December 3rd,  
4 you told Brad Moody that Allison Stevens had  
5 used the racial slur?

6 A. Okay. I told Chris.

7 Q. I understand that. Okay.

8 A. And it may have been a couple of  
9 weeks later when I told Brad. Because, as I  
10 stated earlier, Brad would not listen to  
11 everything that had been said. He said he  
12 didn't want to hear it.

13 Q. Because he wanted to make peace,  
14 as you said?

15 A. Right.

16 Q. Tell me when you told him that  
17 Allison Stevens had used the racial slur?

18 A. I really don't remember.

19 Q. Did you tell him orally, or did  
20 you put it in writing?

21 A. I told him orally. I did not put  
22 it in writing.

23 Q. Was anybody else present when you  
24 told him?

25 A. I don't remember.

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1 Q. Where did you tell him?

2 A. I'm sure it was in the Dean's  
3 suite. We very rarely met outside of the  
4 Dean's suite.

5 Q. What did he say in response?

6 A. I really don't recall. I think  
7 that's probably why I felt like nothing would  
8 be done. Because they were running  
9 interference between me and Allison.

10 Q. Did you object to that?

11 MS. RODGERS: Object to form.

12 THE WITNESS: I said I did.

13 MR. DODD: Q. Because you felt  
14 you were being mistreated?

15 A. Right. And not believed.

16 Q. Isn't it also true that that  
17 prevented Allison from verbally attacking you  
18 again?

19 A. Allison had free course to do  
20 whatever she wanted to do.

21 Q. Did she ever verbally attack you  
22 again?

23 A. I don't recall us having any  
24 incident after that.

25 Q. Ms. Ellison, did you contact Guin

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1 Nance because you got wind of this anonymous  
2 letter or because you wanted an investigation  
3 performed?

4 MS. RODGERS: Object. Asked and  
5 answered.

6 THE WITNESS: I have already  
7 answered that.

8 MR. DODD: Q. Help me out. I  
9 am just feeble. Did you say both?

10 A. I did.

11 Q. Why after the passage of that much  
12 time, did you want an investigation at that  
13 time?

14 MS. RODGERS: Object to form.

15 THE WITNESS: Because nothing had  
16 been done.

17 MR. DODD: Q. What did you want  
18 done?

19 MS. RODGERS: Object.

20 MR. DODD: Do you want to take a  
21 break?

22 A. My leg. I can stand here. I  
23 just need to stand up a minute.

24 Q. What did you want done?

25 A. I wanted the University to know

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1           that I had been mistreated, and I wanted them  
2           to investigate it. I had no preconceived  
3           idea of what the end of the investigation  
4           would be.

5           Q.       Now, Brad Moody did investigate the  
6           incident, did he not?

7           A.       Yes.

8           Q.       And Debra Foster also investigated  
9           the incident, did she not?

10          A.       Yes.

11          Q.       Do you know what Brad Moody's  
12          conclusions were?

13                   MS. RODGERS: Object to form.

14                   THE WITNESS: Do I know what his  
15          conclusions were?

16                   MR. DODD: Q. Yes.

17          A.       I think his conclusions were the  
18          same as to what they thought in the  
19          beginning. That I didn't call her her a  
20          nigger.

21                   THE COURT REPORTER: You just said  
22          that you didn't call her.

23                   THE WITNESS: I mean, she didn't  
24          call me a nigger. I'm sorry. Thank you.

25                   MR. DODD: Q. What were Debra

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1 Foster's conclusions?

2 MS. RODGERS: Object to form.

3 MR. DODD: Q. If you know.

4 A. Well, when I talked to her and she  
5 took my statement. She pretty much told me  
6 what her conclusion would be.

7 Q. Do you know what her ultimate  
8 conclusions were?

9 MS. RODGERS: Object to form.

10 THE WITNESS: She sent me a letter  
11 and Allison a a letter saying that we should  
12 respect each other. Basically, that's what it  
13 said. It was a two or three sentence  
14 letter.

15 MR. DODD: Q. Were you aware if  
16 anybody investigating the Allison Stevens  
17 incident was able to corroborate what you  
18 said about Allison calling you --

19 A. I wasn't in any other meeting, so  
20 I don't know.

21 Q. I am just saying if you were  
22 aware. If you are not aware, you are not  
23 aware.

24 A. I am not aware.

25 Q. Do you know if all of the

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1 potential witnesses to the incident were  
2 interviewed?

3 A. Well, as I stated earlier, Nikki  
4 was not. She was my student worker.

5 Q. Do you know if she was ultimately  
6 interviewed?

7 A. Ultimately.

8 Q. That's what I mean. By the end  
9 of the investigation, do you know if there  
10 was any witness who had not gone  
11 uninterviewed?

12 A. Well, actually the investigation  
13 had ended as she interviewed Nikki after the  
14 investigation.

15 Q. Do you know if Nikki's interview  
16 changed the result?

17 A. It did not.

18 Q. How did Roger Ritvo discriminate  
19 against you?

20 Do you want to take a break?

21 THE WITNESS: I think I need to.

22 MR. DODD: Let's take a break.

23 (Whereupon, the luncheon recess was  
24 taken from 12:05 o'clock p.m. to 1:00 o'clock  
25 p.m.)

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## 1 AFTERNOON SESSION

2 MR. DODD: Q. Ms. Ellison, who  
3 is Mack Jenkins?

4 A. He is Ruby Jenkins' husband.

5 Q. His name and Ruby Jenkins' name  
6 appear on a list of individuals as part of  
7 the initial disclosures that we have to file  
8 with the court.

9 A. Okay.

10 Q. Do you know why -- strike that.  
11 What information do you think Ms.  
12 Jenkins has concerning your case?

13 A. Well, the day after I was escorted  
14 off Campus, Mack came to Campus that next day  
15 because of what was happening in the office  
16 and he took me to lunch. And I discussed  
17 with him what was happening with me and Dr.  
18 Lawal. With me and Chris. And he gave me  
19 some advice. He is a minister.

20 Q. What advice did he give you?

21 A. He told me to be sure that I had  
22 documented everything. All of the treatments,  
23 the mistreatment that I thought I had  
24 received. He told me to pray about it. He,  
25 in fact, also said to be sure you get

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1 security.

2 Q. You get what? I'm sorry.

3 A. Security.

4 Q. Security where?

5 A. For my work area.

6 Q. Tell me again what day this was?  
7 You lost me there.

8 A. Our meeting with Mr. Ritvo was  
9 January 31st. So this was the day after,  
10 which would have been February 1st. It had  
11 to be the 1st or 2nd.

12 Q. When you said that you were  
13 escorted off Campus, what did you mean by  
14 that?

15 A. Dr. Lawal informed me when I  
16 arrived to work on January 31st that Dr.  
17 Ritvo thought it was advisable for him to  
18 take me off Campus while they were meeting  
19 with Chris.

20 Q. Dr. Lawal is the person you say  
21 was the person who escorted you off Campus?

22 A. Right.

23 Q. Did y'all go to lunch?

24 A. Yes.

25 Q. Was it Ritvo or Lawal who said you

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1 guys need to leave Campus and go to lunch  
2 together?

3 A. He told me that the request had  
4 come from Dr. Lawal. Dr. Lawal told me that  
5 Dr. Ritvo had made the request for him to  
6 take me off Campus.

7 Q. Did he say why?

8 A. His terminology was that it was  
9 advisable for me to leave Campus.

10 Q. You met with Mack Jenkins the next  
11 day?

12 A. The next day, or the day after.  
13 It was shortly after that.

14 Q. And you went to lunch with him?

15 A. I went to lunch with he and his  
16 wife.

17 Q. Ruby?

18 A. Uh-huh.

19 Q. I assume that you told Mack  
20 Jenkins about your circumstances at AUM?

21 A. I told him as much as I could  
22 tell him at the lunch hour.

23 Q. Do you believe that the extent of  
24 his knowledge about your circumstances at AUM  
25 is limited to what you told him?

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1 A. Yes.

2 Q. Do you know if he has any  
3 firsthand knowledge of anything that was going  
4 on at AUM?

5 A. He is not an employee at AUM, so  
6 he would not have firsthand knowledge.

7 Q. Did he suggest that you seek any  
8 sort of assistance, whether it be spiritual,  
9 legal, medical, psychological?

10 A. He was providing the spiritual  
11 assistance.

12 Q. How many times did you see him for  
13 spiritual assistance?

14 A. Well, I saw him that day.

15 Q. Did you see him any other times  
16 for spiritual assistance?

17 A. What do you mean?

18 Q. About your circumstances at AUM.

19 A. No.

20 Q. Just that one time?

21 A. Uh-huh.

22 Q. You have got to say "yes."

23 A. Yes. I'm sorry.

24 Q. Now, why is Ruby Jenkins on your  
25 list?

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1           A.       Ruby is on my list because every  
2           single incident after it happened I shared it  
3           with her. I didn't share it with her in  
4           writing. I was upset, and I needed to talk.  
5           And I was afraid and I didn't know what to  
6           do. She had been there for 20 years. I  
7           told her.

8           Q.       Do you believe that she has any  
9           firsthand knowledge of any of the  
10          circumstances you are complaining about?

11          A.       She has firsthand knowledge of  
12          Chris' behavior.

13          Q.       Which particular behaviors, do you  
14          know?

15          A.       The behaviors of coming into the  
16          office before day in the morning waiting for  
17          me.

18          Q.       Where is Ruby's office?

19          A.       She is on the second floor.

20          Q.       How would she know if Chris  
21          Mahaffy was sitting at your desk on the third  
22          floor in the wee hours of the morning?

23          A.       Okay. I thought the question was  
24          the behavior pattern. He actually had Campus  
25          security open her office before morning when

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1 she was on the Search Committee and he left  
2 flowers on her desk. So when I told her  
3 about what happened to me, there is no way  
4 she should question what happened.

5 Because --

6 Q. Something similar had happened to  
7 her?

8 A. That's right.

9 Q. Her knowledge of the incident you  
10 just described with him sitting at your desk,  
11 comes from what you told her?

12 A. Right.

13 Q. What other conduct of Mahaffy do  
14 you think she has firsthand knowledge of?

15 A. You would have to ask her. I'm  
16 really sure she could tell you fully herself.  
17 Because I would be telling you what she told  
18 me.

19 Q. Is that the extent of -- what we  
20 have just described, the extent your knowledge  
21 about what she knows?

22 A. It's not the extent of my  
23 knowledge. But what I know would be hearsay,  
24 I guess. I don't know.

25 Q. Now, Keith Ellison was on your

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1 list?

2 A. Yes.

3 Q. Why is he on your list?

4 A. He is my pastor.

5 Q. What information do you think he  
6 has about this case?

7 A. I have discussed in depth with him  
8 on Sundays after service what's been happening  
9 to me at AUM.

10 Q. Were you seeking some sort of  
11 assistance from him?

12 A. Spiritual guidance.

13 Q. Are you still seeking that from  
14 him?

15 A. Every Sunday I go to church.

16 Q. Are you still seeking spiritual  
17 guidance from him concerning this lawsuit?

18 A. I have talked to him about it,  
19 yes.

20 Q. How many times have you talked to  
21 him about it?

22 A. Numerous times. I don't have a  
23 number.

24 Q. You don't keep records of stuff  
25 like that?

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1 A. No. I'm not sitting there taking  
2 notes when I talk to him about my situation.

3 Q. Where is his church located?

4 A. Elba, Alabama.

5 Q. Is there a street address?

6 A. There is, but we use the P.O. Box  
7 159, 36323.

8 Q. That's your church, right?

9 A. 36323.

10 Q. That's your church, right?

11 A. Yes, it is.

12 Q. You told me what it was earlier in  
13 the deposition, didn't you?

14 A. Yes, I did.

15 Q. What advice did he give you? What  
16 guidance did he give you?

17 MS. RODGERS: Object to form.

18 MR. DODD: Q. What guidance did  
19 he give you?

20 A. Our Christian belief is to pray.  
21 He told me to be watchful. Report what was  
22 happening to me. And he knew I couldn't  
23 quit my job because I needed to work. So we  
24 discussed having to remain in an environment  
25 that had become conducive to every time my

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1 door opened I thought it was Chris. When I  
2 went to the restroom, I am looking around  
3 because I am looking for Chris. So he  
4 basically told me to pray and be safe.

5 Q. When did you first talk to him  
6 about your circumstances?

7 A. Probably the first -- I don't  
8 remember exactly the first time. But the  
9 first time that really concerned me to the  
10 point where I need to be talking to somebody  
11 about this is when I arrived to work, and  
12 this man is in the dark behind my desk  
13 crying.

14 Q. Have you spoken to Keith Ellison  
15 about the circumstances of your case since  
16 your departure from AUM?

17 A. "Circumstances" meaning what?

18 Q. Anything about your lawsuit.

19 A. Well, certainly he asked me what I  
20 did and I told him I did file. Periodically  
21 he has asked me what's going on and we talk.

22 Q. Why is Courtnei on your list?

23 A. Courtnei is my daughter. She can  
24 attest to the mental anguish that I went  
25 through at home in the evenings. In fact,

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1 the night of January 31st after the meeting  
2 with Ritvo, Lawal, Faye Ward and myself, when  
3 I asked for security and was refused  
4 security, I went home that afternoon. My  
5 lights went out at home and I was afraid to  
6 the point where I called Courtnei, and her  
7 boyfriend, to come home because I was afraid  
8 it was Chris. There was no storm. There  
9 was nothing. The lights went out.

10 Q. Why did the lights go out?

11 A. I have no idea. There was no  
12 accident on the street. All I could think  
13 of was Chris, because earlier that day he had  
14 come to my cubicle looking for me.

15 Q. You didn't see Chris outside your  
16 house?

17 A. Of course I didn't. I didn't go  
18 outside my house.

19 Q. Now, you said you asked for  
20 security and your request was denied?

21 A. Yes.

22 Q. Who did you ask for security?

23 A. I asked for security in the  
24 meeting on the 31st.

25 Q. Who did you ask to provide the

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1 security?

2 A. I asked Dr. Ritvo.

3 Q. What kind of security did you ask  
4 for?

5 A. I asked for Campus Police to  
6 secure my area in Goodwyn Hall on the third  
7 floor where I worked.

8 Q. What does that mean? What does to  
9 "secure your area" mean?

10 A. I wanted them to be in the area.

11 Q. Constantly?

12 A. I didn't say constantly. My  
13 request was for Campus security to secure the  
14 area. That's the term we use on Campus.  
15 Campus Police knows their business. They  
16 know what to do.

17 Q. I don't know what that means.  
18 Tell me what it means to secure your area?

19 MS. RODGERS: Object the form.  
20 Whatever it means to you.

21 THE WITNESS: It means that Dr.  
22 Ritvo would have alerted Campus Police that  
23 Chris' behavior that day was of such that  
24 they needed to come to my area, 311 Goodwyn  
25 Hall, to make sure that this man was not

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1           there to do me harm. And for several days,  
2           or however it took thereafter, until something  
3           happened to resolve the situation.

4                   MR. DODD: Q. What, in your  
5           mind, does it mean to "secure the area"?  
6           Does that mean to have an officer stationed  
7           there with you or what?

8                   A. It means that someone at some  
9           interval, whatever they determined was  
10          necessary, because they knew the capabilities  
11          of Chris. They were to determine. Do you  
12          patrol every 15 minutes, or do you patrol  
13          every two hours, four hours; five hours. It  
14          really doesn't matter at this point because I  
15          didn't get it.

16                  Q. And nothing happened either, did  
17          it?

18                  MS. RODGERS: Object to form.  
19          Argumentative.

20                  THE WITNESS: Yes. Something  
21          happened. Chris came back staring at me.

22                  MR. DODD: Q. Is that all he  
23          did, stare at you?

24                  A. Well, you had to see his face.

25                  Q. Describe it?

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1           A.       His misdemeanor was such that how  
2       dare you report me? How dare you? It was  
3       that kind of -- it was retaliatory. That's  
4       the word I am looking for. It was a  
5       retaliatory situation.

6           Q.       Did he say anything?

7           A.       He didn't have to. His eyes said  
8       it.

9           Q.       He said nothing, right?

10          A.       He said nothing.

11          Q.       This happened one time?

12          A.       There was several times that he  
13       came into the office and just stood and  
14       stared at me.

15          Q.       Give me some dates?

16          A.       On January the 18th after I had  
17       filed the complaint by Dr. Ritvo's request in  
18       December, I met with Debra Foster, Faye Ward  
19       and myself. Debra informed me that Ritvo  
20       asked her to talk to me about the complaint.  
21       I immediately said, "Is Bayo's complaint going  
22       to be considered?"

23                    She says, "Ritvo and I have  
24       talked. We are not going to consider his  
25       complaint." Bayo had said to me and to

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1 Debra Foster that because of the things that  
2 were going on he wanted both our complaints  
3 considered together.

4 Give me a minute. All right.  
5 During that meeting Debra asked about the  
6 complaint I had written to Dr. Ritvo. She  
7 asked whatever questions, and I answered them.  
8 After they met with me, and in that meeting  
9 she told me that the only thing Chris had  
10 admitted to saying was that blacks shouldn't  
11 hold responsible positions. And I told her --  
12 and she seemed to me, she seemed to think  
13 that that was all right to say. I expressed  
14 to her that she should be offended because  
15 she was holding a very responsible position.

16 After that meeting she met with  
17 others in the school and that meeting with me  
18 was, I think, either December the 16th or  
19 December the 14th. In that meeting she told  
20 me she would be meeting with Chris. She  
21 would be meeting with Brad, Bob Elliott and  
22 Judd Katz to ask them about Chris' behavior  
23 and whether or not they -- well, just what  
24 they thought about Chris. I don't know what  
25 all she was going to ask.

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1 I think I got off track. What  
2 was your question?

3 Q. We were talking about the dates  
4 when Chris Mahaffy showed up in your office  
5 and have harmed you. You started out by  
6 saying January the 18th?

7 A. Right. Previous to that all these  
8 meeting had taken place and on January the  
9 18th I'm sitting at my desk. I feel or  
10 sense a presence in the office. I look up,  
11 Chris has on an overcoat, a skull cap and he  
12 has his hands in the pocket of his overcoat  
13 and he is standing over me. I asked him  
14 could I help you. He asked for Dr. Lawal  
15 and he just -- it appears to me that he  
16 wasn't there. I don't know how else to say  
17 it. Then he left my office.

18 Q. Who wasn't there?

19 A. Chris Mahaffy. I mean he was just  
20 -- that's the kind of demeanor he had. He  
21 was just standing trying to intimidate me  
22 because I had filed a complaint.

23 Q. He asked for the Dean, didn't he?

24 A. He asked for the Dean, but he  
25 walked out. Why would you walk up on

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1           somebody with your hands in your overcoat, a  
2           skull cap on, and not say anything. It was  
3           intimidation. It was retaliation because I  
4           had filed a complaint, and he knew I had  
5           filed a complaint.

6                       Now, how he knows -- how would he  
7           know that it was me unless Debra Foster or  
8           somebody told him.

9           Q.       What other dates did he appear and  
10          stare at you?

11          A.       After February the 23rd when Dr.  
12          Lawal showed me a letter that he had received  
13          from Dr. Ritvo. He says, "Chris is not to  
14          bother you any more." Chris came by the  
15          office. Then he came in, and he just stood.  
16          He stared again. He didn't ask for anybody.  
17          He didn't do anything. But it was  
18          intimidating to me. It was in my office.

19          Q.       On February the 3rd?

20          A.       That was February the 3rd or 4th.  
21          After Dr. Lawal had the meeting with Ritvo,  
22          and I believe Debra. I'm not sure who he had  
23          the meeting with. It might have been Faye  
24          Ward.

25          Q.       How long was he in the office?

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1           A.       He wasn't in there more than a  
2       couple of minutes. It's the appearance.  
3       It's the appearance. It's a cliché, but you  
4       had to be there.

5           Q.       Did he say anything?

6           A.       He didn't have to say anything.

7           Q.       Now, what in your estimation would  
8       securing the area have done to deal with  
9       those incidents?

10          A.       Campus Police, had they been  
11       informed about Chris and his behavior, and  
12       the fact that it was directed toward me. A  
13       good Campus Policeman would have just said,  
14       "Hey, how are you doing?" Just to see what  
15       was going on. Because he would have been  
16       informed, look out for Chris in the Dean's  
17       office. I'm assuming they would have been  
18       professional. I'm assuming they wouldn't just  
19       approach them and say, "Are you standing  
20       there staring at Cynthia because she filed a  
21       complaint."

22          Q.       Did you want them to confront  
23       them?

24                   MS. RODGERS: Object to form.

25                   THE WITNESS: I have said time and

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1 time again I had wanted them to secure my  
2 area.

3 MR. DODD: Q. Is three  
4 walk-throughs a day securing your area?

5 MS. RODGERS: Object to form.

6 THE WITNESS: As I stated earlier,  
7 that would have been up to Campus Police and  
8 Dr. Ritvo and Dr. Lawal because they knew the  
9 nature of what was going on with Chris. I  
10 didn't know completely what was going on.

11 MR. DODD: Q. Do you even know,  
12 Ms. Ellison, whether they considered the  
13 police walk-through of Goodwyn Hall to be  
14 adequate for your concerns?

15 MS. RODGERS: Object.

16 THE WITNESS: I think I have  
17 answered that. I mean, if they didn't talk  
18 to them, I don't know what they could have  
19 considered if they didn't even talk to them.

20 However, they did give Debra  
21 security the same day of the meeting. She  
22 was escorted to her car by Campus Police, not  
23 for just that day, but for the whole week.

24 MR. DODD: Q. How do you know  
25 that?

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1 A. Well, again, I'm in a University  
2 environment and people talk.

3 Q. You don't know of that your  
4 personal knowledge?

5 A. I don't know that they did.

6 Q. Who told you that?

7 MS. RODGERS: Object to form.

8 THE WITNESS: People were talking.  
9 I don't remember exactly who.

10 MR. DODD: Q. Do you have an  
11 idea who?

12 MS. RODGERS: Object to form.

13 THE WITNESS: People were talking.  
14 I'm trying to remember. I don't have an  
15 idea. Not right now. I'm sure Campus  
16 Police has a record. I don't know of who  
17 all knew. I had no idea.

18 MR. DODD: Q. Isn't it just as  
19 likely that Debra Foster bumped into one of  
20 the police officers on her way to her car  
21 and they walked together?

22 MS. RODGERS: Object to form.

23 THE WITNESS: I don't think that  
24 that was likely, sir.

25 MR. DODD: Q. You don't have any

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1 personal knowledge to refute that, do you?

2 MS. RODGERS: Object to form.

3 That's argumentative. If you know, whether  
4 the hypothetical situation he just gave you  
5 about what could have happened.

6 THE WITNESS: I mean, there is no  
7 real answer to that. I mean, I have no  
8 idea.

9 MR. DODD: Q. I just want to  
10 make sure that you don't show up later in  
11 this case and say, "I have personal knowledge  
12 that security escorted Debra Foster to her  
13 car." If you don't know of your own  
14 knowledge, your own observation, that that's  
15 the case. That's all I want you to tell me.

16 A. I was not there when she was being  
17 escorted.

18 Q. Your knowledge is based on what  
19 somebody else told you?

20 A. I was not there when she was being  
21 escorted.

22 Q. Is your lack of knowledge based on  
23 what somebody else -- strike that, please.

24 Is your belief that she was  
25 escorted based on what somebody else has told

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1                   you?

2                   A.       My belief is based on what someone  
3                   else -- what others were saying.

4                   Q.       As we sit here today, you don't  
5                   recall who told you that?

6                   A.       I really don't.

7                   Q.       That's fine.

8                             Why is Kay Johnson on your list?

9                   A.       Kay Johnson is on my list because  
10                  after I filed my complaint, Dr. Lawal's  
11                  treatment became retaliatory towards me.

12                  Q.       After you filed your complaint, are  
13                  you talking about the one on December the  
14                  3rd?

15                  A.       My lawsuit. What happened --

16                  Q.       Do you mean your EEOC charge?

17                  A.       Yes. Well, when I came to see an  
18                  attorney, that's the way I know to put it.  
19                  I came to see an attorney. They sent  
20                  correspondence to Dr. Lawal. Dr. Lawal  
21                  called me in his office, became furious and  
22                  said as he was hitting his chest, "You have  
23                  done this to me. We should have both waited  
24                  until summer and filed suits together and  
25                  walked away with a fistful of money, and now

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1           you have spoiled my plans."

2                       He asked me to get out of his  
3           office. Not to speak with him any more.  
4           And if I had anything to say to him, send it  
5           in an e-mail. He just became indignant.

6                       I am the only person other than  
7           work study students in the office. At that  
8           point I was fearful of what he was going to  
9           do. So I view it, and it was retaliating  
10          against me, because I filed charges or I had  
11          gone to see an attorney.

12                      Q.       When were your charges filed?

13                      A.       I came to this office on or about  
14          -- it had to be the end of the first week  
15          or the beginning of the first week of  
16          February. And that next day -- or it seems  
17          the day after, he received a letter. That's  
18          when he became very angry.

19                      Q.       Was that the letter from Julian  
20          McPhillips?

21                      A.       Yes. Julian, yes.

22                      Q.       Do you know what day he received  
23          it?

24                      A.       It was either the 9th, 10th or the  
25          11th, something like that.

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1 Q. And Dr. Lawal retaliated against  
2 you in what fashion?

3 MS. RODGERS: Object to form.

4 THE WITNESS: As I just said, he  
5 became very angry. He hit his chest and  
6 said that this action had been taken not just  
7 against AUM, but against him. I had spoiled  
8 his plans of filing suit that summer. Every  
9 routine thing I do in the office became an  
10 issue.

11 I saw him going through my trash  
12 can. The shredding that I did that Friday,  
13 I normally do shredding on Fridays, either  
14 once, twice, sometimes even once a month.  
15 Every document just about that came in that  
16 office had Social Security numbers on it.  
17 Time sheets, payrolls, grade sheets. We were  
18 the hub for that. Periodically, I would shred  
19 those to make room for more documents. Him  
20 seeing me shredding was nothing new since he  
21 had been in there since August, I was  
22 shredding the same kinds of documents many  
23 times.

24 MR. DODD: Q. Did he become  
25 angry with you before or after the shredding

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1 incident?

2 A. Before and after.

3 Q. Okay.

4 A. He became angry with me when he  
5 received the correspondence, as I said, from  
6 Julian McPhillips.

7 Q. Had he been angry with you before  
8 that?

9 A. No, sir. He had been in line  
10 with me. In fact, he let me read the first  
11 page of his complaint to Dr. Ritvo and he  
12 told me to be sure that I got mine over to  
13 Dr. Ritvo that day. That he was going to  
14 let Dr. Ritvo know his would be coming in  
15 the next few days because he had so much to  
16 add about how we were being treated by Chris.

17 Q. That was back in December, right?

18 A. Yes. That was in December.

19 Q. So Lawal was angry with you -- it  
20 first became apparent when he received a  
21 letter from Julian McPhillips?

22 A. It first became apparent after the  
23 meeting with Dr. Ritvo, Faye Ward, myself and  
24 Dr. Lawal. At that meeting Dr. Ritvo  
25 informed Dr. Lawal. In that meeting, Dr.

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1 Ritvo informed Dr. Lawal that he would not be  
2 the person taking action against Chris, rather  
3 that he was not going to allow Dr. Lawal to  
4 take any action against Chris. That he Dr.  
5 Ritvo would be the one taking action. Dr.  
6 Ritvo stated at that time, "If you don't do  
7 something, I will file civil litigation  
8 myself."

9 Q. Dr. Ritvo said that?

10 A. I'm sorry. Dr. Lawal said that to  
11 Dr. Ritvo while we were in that meeting.  
12 When we returned to the office -- because in  
13 the meeting, I asked questions. I asked  
14 about my security. I asked to get a summary  
15 of the meeting proceedings that I was in.  
16 Dr. Ritvo refused. He said the only thing I  
17 could know is that they would do something to  
18 Chris and not to worry about it.

19 Dr. Lawal took exception to that  
20 in the meeting. But when we got back to the  
21 office, Dr. Lawal said to me, "I'm upset with  
22 you." And I asked him, "Why?" He said,  
23 "You don't talk back to men." I said, "We  
24 are living in the 21st century."

25 I was afraid. I needed to know

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1           what was going to happen me. I could care  
2           less what was going to happen to Chris.  
3           That was the beginning of my seeing a change  
4           in his behavior.

5           Q.       When he became angry with you  
6           because you talked back to men --

7           A.       He said I talked back to Dr.  
8           Ritvo.

9           Q.       Did that have anything to do with  
10          your race?

11          A.       It has everything to do with being  
12          retaliated against for reporting what they  
13          asked me to report.

14          Q.       We are talking about Lawal now  
15          retaliating against you, right?

16          A.       That's what you asked, right?

17          Q.       Yes.

18          A.       Okay. That's what I am trying to  
19          deliver.

20          Q.       Lawal also complained about  
21          Mahaffy, right?

22          A.       Yes, sir, he did, until he got the  
23          lawsuit. Until he got the paperwork from  
24          McPhillips' office.

25          Q.       That's what I am trying to

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1 determine when his displeasure with you began.  
2 It started about this meeting.

3 A. It started after that meeting. I  
4 did not know it was going to be so direct  
5 until he received the paperwork from Julian  
6 McPhillips towards me. I thought he was just  
7 angry because Ritvo wasn't letting him use  
8 his authority. Because Ritvo said he was  
9 going to take care of Chris and not let  
10 Lawal do it. He was angry.

11 Now, whether he was taking his  
12 anger out on me because he was angry at  
13 Ritvo, you have to ask him that. I don't  
14 know. All I know is, I, again, became the  
15 victim.

16 Q. Because he said you talked back to  
17 Ritvo?

18 MS. RODGERS: Object to form.  
19 Asked and answered over and over again.

20 MR. DODD: I am just following up  
21 on her answers.

22 MS. RODGERS: Over and over again  
23 following up. Keep on going, Cynthia.

24 MR. DODD: Q. When was that  
25 meeting? Was that February 3rd or 4th?

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1           A.       The meeting with Dr. Ritvo was on  
2           January 31st.

3           Q.       Sometime between January 31st and  
4           the day you left, February 14th, is when Dr.  
5           Lawal began retaliating against you?

6                   MS. RODGERS:  Objection.

7                   THE WITNESS:  Yes.

8                   MR. DODD:  Q.  Can you point to  
9           any event between the meeting and Dr. Lawal's  
10          receipt of the letter from the lawyers --

11                   MS. RODGERS:  Object to form.

12                   MR. DODD:  Q.  -- that prompted  
13          any danger toward you by Lawal?

14           A.       Anger concerning what?

15           Q.       Anything.

16           A.       He just changed.

17           Q.       How did he change?

18                   MS. RODGERS:  Object to form.

19           Just keep on answering.  Again, he is asking  
20           you the same thing.  State exactly what  
21           happened.  That's what you give him.

22                   THE WITNESS:  Well, then after the  
23           meeting he made that comment that I told you  
24           he made.

25                   MR. DODD:  Q.  After he made that

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1 comment, did anything occur between his  
2 receipt of the letter from the lawyers that  
3 prompted any anger on his part toward you?

4 A. He was angry that he was having to  
5 go through this, and it was directed at me.  
6 I asked him why. I don't know why.

7 Q. When you say "go through this,"  
8 are you talking about Mahaffy?

9 A. The Mahaffy complaints or rights.  
10 The whole situation with the complaints.

11 Q. You are saying he blamed you  
12 because the procedure was underway?

13 A. I didn't say that:

14 Q. He was angry at you because of  
15 procedure?

16 MS. RODGERS: Object to form.  
17 Let's take a break. Object to form. Can  
18 you hold this question?

19 MR. DODD: Let me finish my  
20 question. We are going to finish the  
21 question before you take a break.

22 MS. RODGERS: Ask the question.  
23 You don't have to do an answer.

24 MR. DODD: I am going to ask you  
25 when you come back about conversations you

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1 have had during the break. You may want to  
2 reconsider whether you want to go consult  
3 with your lawyer before you answer a question  
4 that's pending.

5 MS. RODGERS: Let the record  
6 reflect I don't want no one to assume that I  
7 am going to talk to my client about a  
8 question he is going to ask.

9 MR. DODD: No assumption.

10 MS. RODGERS: Also, I don't want  
11 you to threaten. It seems as though he is  
12 trying to intimidate my client in this  
13 deposition. I am taking a break for her  
14 sake. Because as it appears to me, I feel  
15 as though she is getting frustrated. She  
16 needs to take a break. I don't know how she  
17 is doing. I am telling her to take a break.  
18 Not to try to go outside to try to discuss a  
19 potential answer for her. Because I have not  
20 done that during lunch time, nor have I done  
21 it for any statement where counsel is getting  
22 a record. Nor am I trying to assist her  
23 during any part of this deposition how she  
24 answers her questions.

25 Let the record also reflect that I

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1 have not written any notes, I have not bumped  
2 her, I have not done any type of couching  
3 whatsoever to assist my client in any type of  
4 questioning or way she should answer her  
5 question. The only thing I told her is tell  
6 the truth.

7 THE WITNESS: May I take a break,  
8 please?

9 MR. DODD: Go ahead.

10 (Multi-page document, first page  
11 undated, entitled Charge of Discrimination,  
12 marked as Defendant's Exhibit-1)

13 MR. DODD: Q. Ms. Ellison, here  
14 is Defendant's Exhibit 1. If you can take a  
15 look at that and see if you can identify it  
16 for me, please.

17 A. Yes. Let me finish and make sure.  
18 Yes, I recognize it.

19 Q. What is it?

20 A. It's my affidavit statement that I  
21 gave to my attorney. It's my memo from me  
22 to Dr. Ritvo on December the 3rd supplying  
23 his requested statement. A letter to Dr.  
24 Mahaffy from Dr. Ritvo. A letter from me to  
25 Debra Foster with copies to Dr. Lawal, Ms.

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1 Ward, Dr. Ritvo, Dr. Nance and Lee Armstrong.  
2 And my memo about my retirement.

3 Q. Together these documents you have  
4 identified constitute your EEOC charge, do  
5 they not?

6 A. That's the cover sheet, yes.

7 Q. The EEOC charge is dated February  
8 10th, 2005, down at the bottom left corner?

9 A. Where? Bottom left, yes.  
10 February the 10th.

11 Q. Now, do you know when Mr.  
12 McPhillips mailed this to Bayo Lawal?

13 MS. RODGERS: Object to form.

14 THE WITNESS: I don't know if he  
15 mailed this to Bayo Lawal. I know that Dr.  
16 Lawal got a letter from him. I don't know  
17 about this.

18 MR. DODD: Q. Look at your  
19 affidavit for a second. Who wrote the  
20 affidavit?

21 A. Who wrote it?

22 Q. Yes.

23 A. It's information that I gave my  
24 attorney.

25 Q. Your lawyer composed the affidavit?

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1 MS. RODGERS: Object to form.

2 MR. DODD: Q. Let me ask you  
3 this. Did you write the affidavit?

4 A. When you say "composed," that means  
5 did he write it?

6 Q. Yes.

7 A. I gave the information as it is  
8 here. I guess I gave him the information.

9 Q. They put it together and you  
10 signed it, right?

11 A. They put it together and I signed  
12 it. Are you asking me if I typed this  
13 document?

14 Q. No. I am asking you if you  
15 prepared it.

16 A. I provided the information that is  
17 within this document.

18 Q. When did you provide that  
19 information to your lawyers?

20 A. It says on the 10th day of  
21 February, 2005.

22 Q. Did your lawyers prepare this  
23 affidavit on the same day that you gave them  
24 the information?

25 MS. RODGERS: Object to form.

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1 THE WITNESS: It was prepared on  
2 the day I signed it.

3 MR. DODD: Q. When did you give  
4 them the information that appears in the form  
5 in the affidavit?

6 A. This was during my visit. Let's  
7 see. I had an initial visit here, and this  
8 was done on my second visit.

9 Q. When was your initial visit?

10 A. It had to be early --

11 MS. RODGERS: Object to form. Go  
12 ahead and answer.

13 THE WITNESS: It had to be early  
14 February. It was like the week before this  
15 week.

16 MR. DODD: Q. Approximately  
17 February the 3rd?

18 A. No. I don't know. They have  
19 their calendars, you can ask them. I have  
20 no idea.

21 MS. RODGERS: Object to form.

22 MR. DODD: Q. You had two  
23 meetings with your lawyer before this was  
24 completed, the EEOC charge?

25 A. Correct. I met with them twice.

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1 Q. Look at Paragraph 3, please.

2 A. Okay. On the first page?

3 Q. Yes. You are referring to Chris  
4 Mahaffy saying that he had never seen a black  
5 person before he came to the United States of  
6 America?

7 A. Yes.

8 Q. Did he make that statement to you?

9 A. He did.

10 Q. When was that statement?

11 A. This was during the time that Bob  
12 Elliott was Dean.

13 Q. Is that statement offensive to you?

14 A. It was offensive to me because of  
15 what he had done earlier. He had come into  
16 my office and he had -- it looked like a  
17 magazine. And he was far enough away that I  
18 couldn't really tell what it was, but close  
19 enough that I could see the image. He says,  
20 "What is this on here?" And I said, "A  
21 monkey." And he walked over to my desk and  
22 laid it down and it was a black man. So,  
23 yes, this was offensive to me.

24 Q. Let me make sure I understand what  
25 you just said, because I don't think I did.

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1 I think I must have missed something.

2 A. Okay.

3 Q. He held up a magazine and asked  
4 you what it was?

5 A. Yes. Say, he was from --

6 Q. Right. You said "it looks like a  
7 monkey."

8 A. That's what I said.

9 Q. He brought it over and put it on  
10 your desk, and it was a picture of a black  
11 man?

12 A. Yes. He laughed, and he left.

13 Q. Is that all he said?

14 A. He laughed and he left.

15 Q. He said nothing else?

16 A. (Witness nods head)

17 Q. How long before this comment in  
18 your affidavit did he do that?

19 A. As I said, this was during the  
20 time when Dr. Elliott was Dean. That's all  
21 I could tell you. In fact, as I said, Dr.  
22 Elliott was there. In this same time we  
23 were talking about student enrollment trends.  
24 The population of black versus white census  
25 on Campus had changed to a greater number of

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1 blacks. We were -- well, not we. I was  
2 sitting at my desk and they were discussing  
3 the trends, he and Dr. Elliott. He made the  
4 comment that some blacks didn't seem as smart  
5 as whites. I took offense to that. After he  
6 left, I went into Bob's office and I  
7 discussed it with him. He said, "Chris is  
8 crazy." Nothing was done beyond that.  
9 "Every Dean has had a problem with Chris."

10 Q. Did you ask Elliott to take any  
11 particular action?

12 A. He just said, "Chris is crazy."  
13 That's all I remember him saying. There was  
14 no action taken. I guess he didn't think  
15 there was any action needed.

16 Q. My question is, did you ask him to  
17 take any action?

18 A. I did not ask him to take action.  
19 But I did voice my concern about the  
20 statements.

21 Q. When he was having that  
22 conversation with Elliott, was he talking  
23 about citizens or students?

24 A. Well, I think I said they were  
25 talking about the difference in the student

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1 population.

2 Q. Right.

3 A. Then it turned to blacks didn't  
4 seem as smart as whites, which I felt he  
5 thought because the population had changed,  
6 the content of their conversation whatever it  
7 was, meant it was because of the blacks.  
8 The number of blacks rising instead of  
9 falling or whatever.

10 Q. Have you ever seen an Irishman  
11 before?

12 A. No. Are you telling me Chris  
13 isn't Irish?

14 Q. No.

15 A. Okay.

16 Q. Look at Paragraph 6, please. You  
17 are referring to Glen Ray.

18 A. Yes, sir.

19 Q. Did you ever determine what remarks  
20 Glen Ray referred to?

21 A. I asked him and his comment to me  
22 -- he said, "They were so bad he couldn't  
23 repeat them." That's all I can tell you.

24 Q. Look at Paragraph 9, please. Is  
25 that the incident we have already talked

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1 about?

2 A. That's correct.

3 Q. Now, look at 10. The memorandum  
4 instructs Mahaffy to avoid retaliatory behavior  
5 toward you?

6 A. Uh-huh.

7 Q. You say he has not done so?

8 A. Uh-huh.

9 Q. What conduct is that referring to?

10 A. Going back to No. 9.

11 Q. Same thing?

12 A. Uh-huh. And the fact that he was  
13 standing with me with his overcoat on with  
14 his hands in his pocket on January 18th.  
15 That was after the complaint had been filed.

16 Q. But that was before AUM issued the  
17 February 3rd memorandum, correct?

18 A. Okay.

19 Q. Yes?

20 A. Yes.

21 Q. Look at Exhibit B, if you would,  
22 please. Okay.

23 Now, you weren't an original  
24 recipient of this memorandum, were you?

25 A. No. My name is not on there.

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1 Q. How did you get a copy of this?

2 A. Dr. Lawal gave it to me.

3 Q. Did you tell him you were going to  
4 make a copy it?

5 A. He said to do what I had to do  
6 concerning Chris.

7 Q. Did you interpret that to mean I  
8 can take this document and copy it and go  
9 outside with it?

10 A. Yes, sir. That's what he told me  
11 to do at that time.

12 Q. Well, he didn't literally tell you  
13 to copy this document and take it outside?

14 A. I am telling you what I  
15 interpreted it to mean.

16 Q. Did you tell him you had made a  
17 copy of it?

18 A. Yes. And he said that he didn't  
19 -- what did he say? He said, "I didn't  
20 intend for you to do that because we need to  
21 save the documentation if we file suit in the  
22 summer." I told him that I couldn't wait  
23 until the summer because I was being  
24 retaliated against and in a workplace where I  
25 just really couldn't stay.

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1 Q. When did you first see what's  
2 marked as Exhibit B to your affidavit?

3 A. We were in -- Dr. Lawal and I  
4 were in the lobby of Goodwyn Hall. He asked  
5 me to go down there with him. He opened the  
6 letter. He read it, and he gave it to me.  
7 He didn't keep it to put it in a  
8 confidential file in his office. He gave me  
9 the letter. We walked back up to the  
10 office. And I had the letter in my hand  
11 when we went back to the office.

12 Q. Did you and he discuss it?

13 A. Well, we did because I told him I  
14 was going to use it.

15 Q. You hadn't seen it before being  
16 with him in the lobby?

17 A. Dr. Lawal showed it me.

18 Q. You had not seen it before then?

19 A. Uh-huh. In fact, I pointed out to  
20 him that the very first statement on this  
21 letter, in my meeting with Dr. Ritvo I asked  
22 for a summary of my meeting. He said there  
23 were no summaries going to be given out.  
24 Yet, this memo starts, "It serves as a  
25 summary." Chris got a summary of his

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1 meeting, but I didn't get a summary.

2 Q. Nobody was seeking to discipline  
3 you, were they?

4 MS. RODGERS: Object to form.

5 THE WITNESS: Well, I was  
6 retaliated against. I was subjected to a  
7 hostile environment.

8 MR. DODD: Q. Had anybody filed  
9 a complaint against you in which you ended up  
10 being disciplined?

11 A. Well, Barbara Ware.

12 Q. With respect to the Mahaffy  
13 incident?

14 A. No.

15 Q. In fact, you were somebody who was  
16 complaining against Mahaffy, were you not?

17 A. I wasn't complaining. I was  
18 letting the University know that I was in a  
19 situation that needed attention. That's  
20 different from complaining.

21 Q. Would you consider your December  
22 the 3rd memorandum a complaint or not?

23 A. It says that it's a complaint, I  
24 believe.

25 Q. I am asking you what it is. You

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1 wrote it.

2 MS. RODGERS: Object.

3 Argumentative. Just look at it.

4 THE WITNESS: It's the complaint  
5 that Dr. Ritvo asked me to write.

6 MR. DODD: Q. Are you the  
7 complaining party in this complaint?

8 MS. RODGERS: Object to form.

9 THE WITNESS: I am the author of  
10 that memo.

11 MR. DODD: Q. Now, Ms. Ellison,  
12 by the time you signed your affidavit and  
13 signed your EEOC charge, you had already  
14 given the University notice of your  
15 retirement, correct? In fact, that's the  
16 fourth exhibit to your EEOC charge, isn't it?

17 A. And if I'm not mistaken, that's  
18 probably the date that Dr. Lawal received the  
19 communication from Julian McPhillips.

20 Q. What date?

21 A. February the 9th, 2005.

22 Q. Do you believe that to be the  
23 case?

24 A. I don't know. I don't have it  
25 with me to look at it.

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1 Q. My question is, by the time you  
2 had signed your affidavit and signed your  
3 EEOC charge, you had already given the  
4 University notice of your retirement, right?

5 A. I was in such a state that I had  
6 no recourse. I had nothing else to do.

7 Q. I am only asking you if you had  
8 given notice of your retirement before you  
9 signed the affidavit and before you signed  
10 the EEOC charge?

11 A. I don't remember.

12 Q. Well, let's look. What is the  
13 date on your notice to Bayo Lawal of your  
14 retirement?

15 A. February the 9th, 2005.

16 Q. What is the date of your signature  
17 on your affidavit?

18 A. February 10th.

19 Q. And on your EEOC charge?

20 A. February the 10th.

21 Q. Your resignation did precede the  
22 completion of your EEOC charge?

23 A. Because I explained to my attorneys  
24 what was happening to me and they advised me  
25 to leave.

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1 MS. RODGERS: Object to form.

2 MR. DODD: That's fine. I'm just  
3 trying to establish a sequence. I didn't ask  
4 you why.

5 MS. RODGERS: You don't have to  
6 argue or even comment on that. Let him  
7 argue. You answer the questions. When you  
8 finish answering your questions, you are  
9 finished until the next question is asked and  
10 not argued.

11 MR. DODD: Q. Who is Debra  
12 Carter?

13 A. She is my ex sister-in-law.

14 Q. Why is she on your list?

15 A. Because she comes to the church  
16 that I go at least twice a month and I  
17 shared with her some of the events that were  
18 happening to me on the job.

19 Q. Do you know if she has any  
20 firsthand knowledge of what was happening to  
21 you on the job?

22 A. Only what I told you.

23 Q. Is she a parishioner at your  
24 church, or does she have any other function  
25 there?

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1 A. She is a member at the church.

2 Is that the same as a parishioner?

3 Q. I intended it in that fashion.

4 A. Okay.

5 Q. Did you look to her for any sort  
6 of spiritual guidance?

7 A. I looked to her really for advice.  
8 Because she was a woman. I was being  
9 retaliated against. I was in an  
10 uncomfortable situation, and I needed to talk.

11 Q. What advice did she give you?

12 A. She advised me to document  
13 everything and to report everything to my  
14 supervisors and the chain-of-command.

15 Q. Did she give you any other advice?

16 A. Such as what?

17 Q. I'm sorry.

18 A. Such as what? What other advice?

19 Q. Any other advice.

20 A. She was a listening ear.

21 Q. Is that a "no"?

22 A. Was there a question?

23 Q. Yes.

24 A. What was the question?

25 Q. I asked you what other advice, if

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1 she gave you any other advice?

2 A. She didn't give me any other  
3 advice.

4 Do you mind if I get some water?

5 Q. Go ahead. Ms. Ellison, I want to  
6 ask you some questions about the complaint  
7 you filed in Federal Court, right?

8 A. Okay.

9 Q. That's different than the EEOC  
10 charge. Are you with me?

11 A. Okay.

12 Q. In your complaint you refer to  
13 four distinct claims. One is for race  
14 discrimination; one is for retaliation; one is  
15 for harassment; one is for a constructive  
16 discharge. I want to ask you a little bit  
17 about those claims.

18 A. Okay.

19 Q. You say that you were forced to  
20 retire, right?

21 A. Right.

22 Q. Now, was that forced retirement a  
23 result of the race discrimination, the  
24 retaliation and the harassment?

25 A. And the hostile work environment.

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1 Q. Hostile work environment. When I  
2 say "harassment," I will try to remember to  
3 include hostile work environment, but I am  
4 referring to both.

5 A. Okay.

6 Q. Did you suffer any tangible job  
7 detriment, other than being forced to retire  
8 on account of any of the kinds of  
9 discrimination you are claiming?

10 A. Job detriment at AUM?

11 Q. Yes.

12 A. I couldn't do my job. After the  
13 complaint was filed, it was almost impossible  
14 to do work.

15 Q. The complaint you are referring to  
16 is December 3rd?

17 A. December 3rd, 2004.

18 Q. Right. Well, did you suffer a  
19 loss in salary as a result of that?

20 A. No.

21 Q. Did the University deny you any  
22 leave as a result of that?

23 A. No.

24 Q. Do you know if the University took  
25 any sort of tangible action that affected

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1 your job adversely?

2 A. I was affected adversely because I  
3 was not given security.

4 Q. We talked about that already.

5 A. Right.

6 Q. Okay. Did you feel compelled to  
7 retire because of the race discrimination you  
8 felt?

9 A. I felt compelled to retire because  
10 of all of it. Race, all of it. In fact,  
11 even after the conclusion of the first  
12 investigation with the Allison Stevens  
13 incident, Debra Foster sent me her letter and  
14 Allison her letter. Both our names was on  
15 the letter. The day after that she sent me  
16 an e-mail to the Hyundai site and called me  
17 and said she sent it to me because I was  
18 eligible to retire, and she thought she would  
19 send that to me.

20 Q. Did you ever talk with anyone  
21 about applying for a job out there?

22 A. No, I did not.

23 Q. You didn't talk to Bob Elliott  
24 about that?

25 A. I didn't. I talked to him about

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1 my daughter applying for a job out there.

2 Q. Other than the remarks you refer  
3 to in the third paragraph of your affidavit  
4 that Chris Mahaffy made --

5 A. Yes, sir.

6 Q. -- did he make any other racially  
7 insensitive remarks to you?

8 A. Well, as I told them as I was  
9 doing this, there were so many I couldn't  
10 remember them all. I gave you the one about  
11 the magazine with the man and the monkey.  
12 This was just something that Chris did. I  
13 mean, I didn't know to write down every  
14 single one.

15 Q. Can you recall any others other  
16 than those three?

17 A. Not at this time.

18 Q. Is there anywhere you would go to  
19 refresh your recollection as to how many  
20 times he made comments that you found  
21 insensitive?

22 A. What you say where I would go, do  
23 you mean to AUM, to my house, to what?

24 Q. You said you can't recall. I'm  
25 just trying to see if there was some way we

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1 can assist your recollection.

2 A. I don't know how you can assist  
3 me.

4 Q. You don't have a written record  
5 somewhere of bad things that Chris Mahaffy  
6 said?

7 A. No. I don't have that.

8 Q. You have given all the records  
9 about your allegations to your lawyer, right?

10 A. I have.

11 Q. Did Roger Ritvo ever make any  
12 racially insensitive remarks to you?

13 A. He did not.

14 Q. Did Bayo Lawal make any racially  
15 insensitive remarks to you?

16 A. Well, he did.

17 Q. What were they?

18 A. He said that -- well, he didn't  
19 particularly care for Glen Ray as the  
20 Associate Dean because he said he didn't keep  
21 any of the matters they discussed  
22 confidential. He wanted me to suggest to him  
23 who he could have take his place at the end  
24 of his tenure as Associate Dean that coming  
25 summer. Because it was a two-year

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1 appointment. I suggested Rosine Hall. He  
2 says, "No, I don't want her." I said, "What  
3 about me? I know the school." He says, "I  
4 don't want a woman assistant, black or  
5 white." That was the only racial thing that  
6 I can remember right now.

7 Q. We have talked about Mahaffy's  
8 remarks, right. We have talked about his  
9 conduct. Showing up in your office and that  
10 sort of thing. We talked about Allison  
11 Stevens.

12 A. Yes.

13 Q. Are there any other incidents of  
14 racial discrimination or harassment that you  
15 are aware of?

16 A. Towards me?

17 Q. Yes. Toward you.

18 A. I can't recall right now. There  
19 is one more that I thought of.

20 Q. All right.

21 A. I'm sorry.

22 Q. It's all right.

23 A. I am hesitating because I am  
24 thinking about the date.

25 Q. You know I am going to ask you

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1 that.

2 A. Yes. I am more than certain that  
3 it was after the overcoat incident, which was  
4 on or about January the 18th or 19th.  
5 Several days later Chris came into my office  
6 and there was a student worker at the other  
7 desk. He came into my office and stood in  
8 front of me. I was busy doing something.  
9 He got my attention. He says, "I want you  
10 to read my shirt." And I looked up and the  
11 shirt said something like, "I am a redneck."  
12 He said, "What do you think about that?" I  
13 said, "I am offended." He laughed and left.  
14 I went into Dr. Lawal's office and reported  
15 it.

16 Q. What did Lawal say?

17 A. He didn't say anything really. I  
18 just wanted to be sure I reported it.

19 Q. Who was the student worker?

20 A. Nikki Gibson. And this was the  
21 time when I had hired five student workers.  
22 So I think Nikki -- because I had to staff  
23 the Advising Office and the Dean's office and  
24 their schedules -- I believe it was Nikki  
25 Gibson and Marquita Snow.

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1 Q. They were both in there?

2 A. Yes, sir.

3 Q. Tell me why you were offended by a  
4 T-shirt that says, "I am a redneck"?

5 A. Because I feel like "redneck" means  
6 you are looking down on the minority. That's  
7 the person who feels like minorities are  
8 lower class.

9 Q. Have you ever heard any other  
10 definition of "redneck"?

11 A. I can't say that I have, sir.

12 Q. Would you be surprised to know  
13 there are others?

14 A. I wouldn't be surprised.

15 Q. If you think of other incidents,  
16 just interrupt me and let me know. Okay.

17 A. I will.

18 Q. I asked some questions earlier  
19 about Mahaffy before he became Chair of  
20 Physical Sciences.

21 A. Okay.

22 Q. I am going to ask you some  
23 questions about him after he became Chair.

24 A. Okay.

25 Q. Okay. Did he ever touch you?

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1 A. You asked me that, and I said  
2 "no."

3 Q. I thought I was referring to the  
4 previous time. He has never touched you then?

5 A. No.

6 Q. He has never made any physical  
7 oral threats to you, has he?

8 A. You said "physical" and "oral."  
9 Which one did you --

10 Q. Oral threats of physical -- strike  
11 that.

12 Has he ever made a statement to  
13 you that you found threatening?

14 A. Yes, sir.

15 Q. What did he say?

16 A. He said that he was going to get  
17 me because I was on the second Dean search,  
18 and he was not selected to the short list to  
19 be interviewed.

20 Q. When did he say that?

21 A. It was -- I can tell you exactly  
22 because he was interviewing for the position  
23 that Barbara now has. So it was about mid  
24 July, 2005. Because I think Barbara was  
25 hired in July. It was around the time she

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1 was hired.

2 Q. Who are you referring to?

3 A. Chris Mahaffy.

4 Q. Barbara?

5 A. Barbara Ware. I'm sorry.

6 Q. 2004 maybe.

7 A. No. Okay. I was on the second  
8 Dean search which ended about April or May of  
9 2005. I'm sorry. Yes, I am behind. 2004.

10 Q. Okay. It was approximately mid  
11 2004 that he made that statement

12 A. In July. It was whenever Barbara  
13 Ware was hired.

14 Q. He said he was going to get you?

15 A. That's what he said.

16 Q. Did he say anything else?

17 A. That's pretty much what he said at  
18 that time.

19 Q. You interpreted that as a threat?

20 A. I did.

21 Q. Who did you report it to?

22 A. Brad Moody.

23 Q. What did Brad do?

24 A. I believe Brad, if I'm not  
25 mistaken, talked to Chris.

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1 Q. Why do you think he talked to  
2 Chris?

3 A. Because we were going through some  
4 more issues with Chris. I mean, I can't  
5 tell you every single thing because they  
6 didn't tell me. Glen would share with me  
7 that Chris was a problem. He would share  
8 that almost every single day of the week.  
9 He really went over the edge when he did not  
10 get to be Dean. He continued to harass me  
11 because he thought for some reason, and I am  
12 sure the reason was because he thought I  
13 could influence the Committee because I was  
14 the only black on the Committee, and maybe he  
15 thought I knew him and I was going to say  
16 things good about him. In fact, he came to  
17 me with an e-mail address and said, "No one  
18 will know if you send me information about  
19 the Committee's work, Search Committee's work  
20 to this e-mail address." I reported that to  
21 Brad. I reported it to Glen, and I also  
22 reported that to Judd Katz. And at that  
23 time I told Chris it was inappropriate and I  
24 would not do it.

25 Q. Do you think that Mahaffy was mad

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1 at you because you didn't support him to be  
2 Dean?

3 A. He said he was.

4 Q. Do you believe that?

5 A. He was convincing to me.

6 Q. I believe you told me that Dr.  
7 Lawal is the individual you contend retaliated  
8 against you?

9 A. He wasn't the only one.

10 Q. Who else?

11 A. I believe Debra Foster retaliated.

12 Q. When did Debra Foster retaliate?

13 A. In sending me that e-mail and  
14 saying, "You know, you have got enough time  
15 to retire. Here is a site, Hyundai. Why  
16 don't you look into getting a job." That  
17 was at the end of the complaint with Allison.

18 Q. That was back in spring of 2004?

19 A. If that's the date on her report,  
20 yes. I think it was about then.

21 Q. Did Debra Foster retaliate against  
22 you in any other way?

23 A. Yes.

24 Q. How?

25 A. She called me to her office after

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1 -- and forgive me if I don't know which one,  
2 EEOC, affidavit whatever. Whatever had been  
3 filed she had been in contact with, she told  
4 me the University attorneys. That they had  
5 given her some information to give me. She  
6 needed to see me. Actually, there were two  
7 occasions that this happened.

8 The first occasion she just said,  
9 "We are working on it. We are looking into  
10 it."

11 The second time she called me over  
12 there she said, "The University attorney  
13 called, and they said to tell you that" --  
14 and this is the first time I ever heard of  
15 the phrase "constructive discharge." That you  
16 are not getting constructive discharge. They  
17 want to know what you want."

18 I said Debra, "I simply want you  
19 to do your job." We were sitting in Faye  
20 Ward's office. Debra and I were sitting at  
21 the table. Faye was sitting behind her desk.  
22 She said, "What do you want?" And I said,  
23 "I really want you to do your job." And I  
24 asked a simple question. I said, "Debra, do  
25 you believe that I have been mistreated? I'm

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1 not asking you to take sides." I said, "But  
2 you know what has happened to me." Well,  
3 whatever the periods of times before that I  
4 had been here. "I am simply asking you do  
5 you believe I have been mistreated?" Debra  
6 stormed out of the room. Came back. No, she  
7 sent a student back. Handed me a piece of  
8 paper. No, it was Debra. Debra came back,  
9 handed me a piece of paper and she said, "If  
10 you have anything else to say, say it to our  
11 attorneys." When I looked at the paper it  
12 said Tom Rebel, whatever his information is.  
13 That's when I came to Julian McPhillips.

14 I had no intention of coming here,  
15 but when I saw that the University wasn't  
16 going to do anything because she told me she  
17 was representing the attorneys. So she ended  
18 it with, "Do what you have to do." So I  
19 did what I had to do given that she handed  
20 me the information to do it with and said,  
21 "The next conversation, let it be through the  
22 attorneys."

23 Q. What did she hand you?

24 A. A piece of paper that had a  
25 typewritten name and address of somebody named

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1 Rebel, and I gave that information to Mr.  
2 McPhillips.

3 Q. Early February you think?

4 A. It had to be.

5 Q. How did the topic of constructive  
6 discharge come up?

7 A. Debra brought it up.

8 Q. Had you said or written before  
9 that time that you felt like the University  
10 was forcing you out?

11 A. Absolutely.

12 Q. Other than Debra Foster and Dr.  
13 Lawal, did anybody else retaliate against you?

14 A. I have said I think Dr. Ritvo  
15 retaliated.

16 Q. Tell me how he did that.

17 A. The no security issue. I think he  
18 treated Chris differently than he treated me.  
19 The letter that Bayo shared with me that was  
20 written to Chris states that Chris had a  
21 month to decide what he wanted to do. Then  
22 he had until the end of the summer to  
23 complete whatever he decided he wanted to do.  
24 Yet, they had taken me off Campus that day  
25 because they knew he was a threat.

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1 Q. Now, what makes you think that  
2 Ritvo did those things because you had  
3 complained at his request?

4 A. I think I viewed it as  
5 retaliation. Now, I don't know how else to  
6 explain it.

7 Q. Okay. Let's try it this way.  
8 What is your definition of retaliation?

9 A. Getting back at someone or --  
10 well, let me just leave it like that.  
11 Getting back at someone or something like  
12 that.

13 Q. You felt that Roger Ritvo was  
14 getting back at you for doing what?

15 A. I felt in general Ritvo, the  
16 University, everybody's name that I gave on  
17 that list was retaliating against me because  
18 I filed these complaints.

19 Q. Now, Roger Ritvo, though, solicited  
20 that complaint from you, did he not?

21 A. He did. But he didn't do what he  
22 said he was going to do. He said he was  
23 going to put it with Bayo and send it to  
24 Debra. That's the first thing that didn't  
25 happen.

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1 Q. Why is that significant?

2 A. Because I feel like if you tell me  
3 something that you are going to do, and I am  
4 saying that I am being mistreated and  
5 retaliated against, and you are being  
6 mistreated and retaliated against, you take  
7 one and put it in the file and you take the  
8 other, send it up and then you tell the  
9 person, "Cynthia filed a complaint." I  
10 become the target. That's the way I felt.

11 Q. How do you know that Roger Ritvo  
12 ignored Bayo's complaint?

13 A. Because Bayo told me. He didn't  
14 say he ignored it. He said that he, Bayo,  
15 and Debra Foster and Ritvo had talked. They  
16 said they were going to view his complaint as  
17 a management style problem. But he, Bayo,  
18 told me that he said to Debra Foster and to  
19 Dr. Ritvo, "This is not management." This is  
20 harassment." And he wanted his complaint  
21 considered with mine.

22 Q. You haven't seen his complaint,  
23 have you?

24 A. I have not seen his complaint.

25 Q. Other than the conduct we talked

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1 about at some length --

2 A. What conduct?

3 Q. -- concerning Chris Mahaffy.

4 A. Yes.

5 Q. -- is there anything else you want  
6 to add about how he retaliated against you?

7 A. Chris?

8 Q. Yes. We talked about coming to  
9 your office and looking in the window and  
10 standing at your desk. Anything else?

11 A. Well, I think the remark that he  
12 is going to get me. That was retaliation  
13 for not being selected for the short list on  
14 the Dean's search.

15 Q. I understand that. Is that all  
16 you can think of?

17 A. I think that the incident with  
18 the, "I am a redneck" T-shirt.

19 Q. We talked about that.

20 A. Uh-huh. I am going to stand for  
21 a moment.

22 Q. Do you want to walk down the hall?

23 A. I'm fine. I just need to stretch  
24 my leg.

25 Q. Ms. Ellison, do you think that the

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1 folks we have talked about, Ritvo, Mahaffy,  
2 Bayo, did the things they did after you filed  
3 your complaint in order to force you out?

4 A. That's my belief.

5 Q. Do you believe that that was -- I  
6 mean, that was their goal, right?

7 A. I can't speak for them.

8 Q. What would you point to, if  
9 anything, to show that they took action  
10 deliberately to force you out?

11 MS. RODGERS: Object to form.

12 THE WITNESS: In particular, the  
13 treatment the last week and a half that I  
14 received from Bayo, and the treatment I  
15 received all along from Chris, and again the  
16 e-mail from Debra. I think she wanted to  
17 see me go.

18 MR. DODD: Q. That was the year  
19 before, wasn't it?

20 A. It still happened.

21 Q. Let's talk about your environment  
22 from the time you filed the complaint on  
23 December 3rd until you left on February 14th.

24 A. Okay.

25 Q. Your office was the same, wasn't

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1 it?

2 A. Did you say "office"?

3 Q. Yes.

4 A. Yes, sir.

5 Q. The same office. Your hours of  
6 work were the same?

7 A. That's correct.

8 Q. You had the same student help,  
9 didn't you?

10 A. I did.

11 Q. Did you receive any negative  
12 evaluations of any kind concerning your work?

13 A. It wasn't time for evaluations.

14 Q. Did you receive any negative  
15 comments at all concerning your job  
16 competency?

17 A. Well, Bayo commented that he didn't  
18 seem to think I was getting things done fast  
19 enough.

20 Q. When was that comment made?

21 A. This was after our meeting on the  
22 31st of January with Ritvo.

23 Q. What was he referring to?

24 A. I don't remember exactly what I  
25 was working on. But he just -- as I said

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1 earlier, he just changed. Nothing I did  
2 pleased him. I couldn't do it right, and I  
3 had been doing the same things before.

4 Q. Well, were you behind on whatever  
5 you were working on?

6 A. I wasn't behind. As I stated  
7 earlier, he told me, "Don't open the mail any  
8 more. Don't talk to me any more. If you  
9 want to talk to me, send me an e-mail." When  
10 two people are working in the office it is  
11 not feasible to send e-mails to get the job.

12 Q. He told you that as a result of  
13 the shredding incident, didn't he?

14 A. You asked me what changed between  
15 December and the time I left. That was in  
16 that period.

17 Q. Now, I am trying to pinpoint.  
18 That was after the shredding incident, wasn't  
19 it?

20 A. Yes.

21 Q. Did any of your job duties change?

22 A. I think they changed because he  
23 wouldn't let me do them.

24 Q. What wouldn't they let you do?

25 A. He wouldn't let me do the routine

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1 things in the office.

2 Q. Open the mail?

3 A. Open the mail, communicate with him  
4 about who is on the phone, who needed to see  
5 him. It was virtually shut down. So, in my  
6 opinion, I felt like he forced me to leave.  
7 I'm not going to sit there and work for  
8 nobody when he is saying -- and he said to  
9 me, "You have done this to me because of  
10 that suit." He just completely changed.

11 Q. This was after, I guess, he had  
12 gotten the letter then?

13 A. After the letter?

14 Q. From the lawyer.

15 A. From the lawyer and after I used  
16 Chris' letter. He told me that I had  
17 compromised the integrity of the office. He  
18 didn't trust me any more. He didn't want me  
19 to do anything. And I reminded him that he  
20 gave me the letter and told me to do with it  
21 what I thought I needed to do.

22 Q. He learned that you had given the  
23 letter to the lawyer how? Strike that,  
24 please.

25 How do you think he learned that

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1                   you had given the letter to the lawyer?

2                   A.        I guess in the correspondence from  
3                   the lawyer. I really don't know.

4                   Q.        During that time you didn't take  
5                   any leave of absence, did you?

6                   A.        During what time?

7                   Q.        December the 3rd through February  
8                   14th.

9                   A.        I took funeral leave.

10                  Q.        Funeral leave?

11                  A.        Uh-huh.

12                  Q.        That was for your father?

13                  A.        Yes. And I also took -- I may  
14                  have had two or three vacation days in there  
15                  because I was going to the Cancer Center for  
16                  treatment for my condition.

17                  Q.        Those were voluntary things on your  
18                  part?

19                  A.        Right.

20                  Q.        Other than those treatments, you  
21                  didn't seek any kind of medical or  
22                  psychological assistance during that time?

23                  A.        Just with my pastor.

24                  Q.        You didn't receive any reprimands,  
25                  did you?

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1 A. From Dr. Lawal or at all?

2 Q. From anyone.

3 A. Not that I recall.

4 Q. Your pay didn't change, right?

5 A. That's correct.

6 Q. Chris Mahaffy didn't make any  
7 racially-related remarks to you after December  
8 3rd, did he?

9 A. Not any racial remarks, but he  
10 intimidated me by coming to my office.

11 Q. I think you wrote somewhere that  
12 other staff members or faculty stopped talking  
13 to you.

14 A. Yes.

15 Q. Do you recall that?

16 A. I do.

17 Q. When did that occur?

18 A. It occurred after the -- I think  
19 that was after the incident with Allison.

20 Q. That was back in 2004?

21 A. Right.

22 Q. Did that ever change?

23 A. Dr. Thomas and Ms. Findley pretty  
24 much spoke to me and talked to me, but the  
25 rest of them didn't.

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1 Q. How many others were there?

2 A. Dr. Arnold, Mr. Russell, Jill  
3 Rollins. It's been some time, so bear with  
4 me.

5 Q. I understand.

6 A. Arnold, Russell, Jill Rollins and  
7 there was Thomas and Findley. That was the  
8 staff.

9 Q. Do you believe that somebody  
10 encouraged them to stop communicating with  
11 you?

12 A. Well, I know that they had a  
13 Departmental meeting because Bayo told me, and  
14 they discussed me in the meeting. That's  
15 when I noticed the change in the behavior of  
16 some of them.

17 Q. What did Bayo tell them?

18 A. Bayo didn't tell them anything.  
19 He said that Chris had a meeting with them.

20 Q. What did Chris tell them?

21 A. I wasn't in the meeting.

22 Q. You don't know?

23 A. No. I wasn't in the meeting.

24 Q. Do you know if anyone else --

25 A. I'm sorry. I made a mistake.

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1 That wasn't Bayo. That was Brad because that  
2 was after.

3 Q. Brad told you that Mahaffy had had  
4 a meeting?

5 A. It was either Brad or Bob. After  
6 the Allison incident and Brad was in the  
7 Dean's chair. It was Brad and not Bayo.

8 Q. Did anyone else in the School of  
9 Sciences have complaints about Mahaffy?

10 A. Just about everybody in the School  
11 of Sciences.

12 Q. What kind of complaints did the  
13 other folks have about him?

14 A. I can only tell you what they  
15 expressed to me.

16 Q. That's fine.

17 A. Rosine Hall called me, or she was  
18 in the office making copies and she said that  
19 Chris had come to her office and spent an  
20 hour venting about what had happened. When I  
21 say, "what had happened," I am talking with  
22 the situation with him being taken down as  
23 Department head. She said for me to be  
24 careful because he was really upset, and he  
25 was nuts.

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1 Dr. Elliott referred to -- they  
2 basically all made the comment that he was  
3 crazy. Something was wrong with him. The  
4 Department heads had a problem with him in  
5 the Department head's meeting. It was just a  
6 combination of student complaints, faculty  
7 complaints. Everybody just about.

8 Q. Do you know if anyone ever  
9 complained about the types of -- strike that.

10 Do you know if anybody complained  
11 about any sort of physical activity of  
12 Mahaffy?

13 A. Just that one incident that I  
14 remember that I told you about earlier. He  
15 and a student got into it in one of the  
16 labs.

17 Q. Do you know if anyone else  
18 complained about Mahaffy?

19 A. I thought we just answered that.  
20 What was the question previous to this?

21 Q. Well, maybe it was my misuse of  
22 language. I asked you if anybody had  
23 complaints about him. The second question  
24 was, did anyone actually complain about him  
25 to Debra, to the Dean?

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1           A.       Debra will have to answer that  
2           question. We did have complaints to each  
3           Dean. We had complaints to Brad. We had  
4           complaints to Bob. We even had complaints to  
5           Joe Hill about Chris Mahaffy.

6           Q.       Coming from all different people?

7           A.       Different people, yes. In  
8           particular, I can give you an example.

9           Q.       Okay.

10          A.       I think this is when Brad was the  
11          Dean. Chris told a student that he was too  
12          old to get into pharmacy school and the  
13          student complained to us. It went all the  
14          way to the Vice Chancellor's office. I don't  
15          know what the follow up was. I do know that  
16          several times they had to go downtown  
17          somewhere.

18          Q.       Do you know if anything was ever  
19          done by the University in response to the  
20          complaints about Mahaffy up until 2005, of  
21          course?

22          A.       Define "done." What do you mean  
23          by "done."

24          Q.       Any action taken against him for  
25          his behavior?

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1 A. Nobody really wanted to take  
2 action. They just let him keep going. In  
3 fact, it was a joke. He was being passed  
4 from one Dean to the other.

5 Q. Do you know if anyone else  
6 resigned because of Mahaffy's behavior?

7 A. I have no firsthand knowledge of  
8 that.

9 Q. Have you heard of anyone resigning  
10 because of Mahaffy's behavior?

11 A. Give me a minute. I'm going back  
12 over 20 years. Not that I recall.

13 Q. Now, you resigned or retired on  
14 February the 9th, 2005, right?

15 A. I turned that memo into Dr. Lawal  
16 then, yes.

17 Q. Then you agreed to stay on until  
18 February 25, right?

19 A. Right. In that agreement, I said  
20 with the stipulation that I get security.

21 Q. You had planned to stay on until  
22 February 25, had you not, until the shredding  
23 incident came along?

24 A. I had planned to stay another two  
25 or three years. I had committed to Dr.

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1 Lawal that I would be there.

2 Q. I am referring now to the  
3 retirement notice you handed in on February  
4 9th?

5 A. Okay.

6 Q. And you committed to staying on  
7 through February 25th and then that changed  
8 on February the 14th, right?

9 A. It did change on February the  
10 14th. February the 25th.

11 Q. Isn't it true that you did tell  
12 Lawal that you would stay on through the 25th  
13 if security would assure you they would do a  
14 walk-through at least once a day?

15 A. Yes. He asked me to stay, and I  
16 said "with security."

17 Q. If they did a walk-through once a  
18 day?

19 A. I didn't say that.

20 Q. You did agree to stay through the  
21 25th if there was security?

22 A. Right. And he told me that that  
23 wasn't up to him. It was up to Dr. Ritvo.

24 Q. Until the fall out from the  
25 shredding incident, you had planned to stay

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1 through February 25th, had you not?

2 A. Well, I had gone to him, and  
3 that's what I put in writing. When I asked  
4 him about security nothing was done.

5 Q. I'm sorry. I didn't hear you.

6 A. Nothing was done when I asked  
7 about getting security.

8 Q. Is that why you left on the 14th?

9 A. I left because it was an  
10 impossible situation to work.

11 Q. You had a big fight with Lawal on  
12 the 14th, didn't you?

13 A. I did not.

14 MS. RODGERS: Object to form.

15 THE WITNESS: No, sir, I did not.

16 MR. DODD: Q. Would you have  
17 stayed through the 25th if the shredding  
18 incident had not occurred?

19 MS. RODGERS: Object to form.

20 THE WITNESS: Given the fact that  
21 he had given me the letter concerning Chris,  
22 I had planned to keep my two-year commitment  
23 not to just February the 25th.

24 MR. DODD: Q. I understand that.  
25 I am asking you now about your retirement

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1 notice you handed in on February the 9th,  
2 right?

3 A. Right.

4 Q. After you did that you told him  
5 you would stay through the 25th if you had  
6 security?

7 A. Right.

8 Q. Right?

9 A. Uh-huh.

10 Q. But you didn't, did you?

11 A. Because events changed and it  
12 wasn't just the shredding.

13 Q. Didn't you make up your mind to  
14 leave on Monday February 14th?

15 MS. RODGERS: Object to form.

16 THE WITNESS: I was forced to  
17 leave on February the 14th.

18 MR. DODD: Q. For whatever reason  
19 you decided to leave on February 14th, right?

20 A. Yes. I left because I was forced  
21 to leave.

22 Q. What happened on February 14th that  
23 forced you to leave?

24 A. Dr. Lawal was indignant. He  
25 called me in his office and said that he had

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1           been working out there on Saturday, and he  
2           saw the shredding bags where I normally put  
3           shredding bags. And that I had not gotten  
4           his permission to shred. And that he had  
5           called Ritvo at home that Saturday and asked  
6           him what he should do. He said that Ritvo  
7           told him to collect the shredding bags and  
8           bring them to his office. I don't know who  
9           took them over there. That's what he told  
10          me. But when I got ready to go out of Dr.  
11          Lawal's office, the shredding bags were  
12          stuffed up under the couch in his office. I  
13          said, "Is this some of the shredding? Do  
14          you want to look in it to make sure that  
15          it's what I told you it was?" It was the  
16          time -- they were old time sheets, pay  
17          schedules, you know, grade sheets and so  
18          forth. He said "no." And then again he  
19          asked me to leave his office and I did.

20                Q.       Then you sent him a note and said  
21          you are leaving at 1:00 o'clock that  
22          afternoon, right?

23                A.       Right. I did not sit down  
24          immediately and say, "I am leaving at 1:00  
25          o'clock."

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1 Q. Is it true that the confrontation  
2 you had with Lawal that morning, February  
3 14th, is what led you to leave AUM at 1:00  
4 o'clock that afternoon?

5 MS. RODGERS: Object to form.

6 THE WITNESS: As I stated earlier,  
7 there was no confrontation. He stated to me  
8 how he felt. I think I also told you  
9 earlier that he said he did not trust me. He  
10 didn't want me to do anything in the office.  
11 I was just to sit there really. Don't open  
12 anything. Don't do anything. And that was  
13 retaliatory because of my complaint I had  
14 filed.

15 It was also retaliatory in nature  
16 to me because he wanted to file a complaint  
17 that summer, and he told me that now he  
18 would not be able to do it. The environment  
19 I was in, that just worsened the environment.  
20 I was sitting in a hostile environment.

21 MR. DODD: Q. What you just  
22 described occurred that Monday morning, did it  
23 not?

24 A. Yes. But it was not a  
25 confrontation. I didn't raise my voice. He

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1 didn't raise his voice.

2 Q. We will call it a conversation.

3 Okay?

4 A. You can call it a conversation.

5 Q. As a result of the conversation on  
6 Monday morning, you left at 1:00 o'clock that  
7 afternoon?

8 A. As a result of that and my not  
9 getting security and my being subjected to an  
10 unsafe environment, I was forced to leave.

11 Q. What security issues did you have  
12 that Monday morning?

13 A. Actually, that Monday morning  
14 security showed up. Officer Cox came in my  
15 office and said he had been sent over to  
16 secure my area. He said, "Cynthia, if I had  
17 known it was you, I would have been here  
18 earlier." He told me that he was the one  
19 stationed outside of Ritvo's office and -- on  
20 the 31st when all of these meetings occurred,  
21 and that he witnessed that when Chris came  
22 out of the meeting that -- and these are his  
23 words, not mine. He looked like he was off  
24 of his meds. He said no one ever told him  
25 to come over and secure my area.

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1 Q. When you left work on Friday the  
2 11th of February --

3 A. Uh-huh.

4 Q. You didn't intend to leave work on  
5 Monday afternoon, did you?

6 A. Leave work?

7 Q. Leave AUM.

8 A. I spoke to my attorney, and I was  
9 advised to leave an unsafe environment where  
10 nothing was being done for me.

11 Q. I understand that. I am asking  
12 you when you went home from work on that  
13 Friday, February 11th, you still intended to  
14 work through February 25th, did you not?

15 A. If I arrived and conditions were  
16 conducive to my being able to work until the  
17 25th.

18 Q. The condition you had specified was  
19 security, wasn't it?

20 A. That's right.

21 Q. Monday there was security, was  
22 there not?

23 A. There was security.

24 Q. Okay. What changed between the  
25 time you went home on Friday afternoon and

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1 the time you left Monday afternoon never to  
2 return?

3 A. Dr. Lawal told me essentially there  
4 wasn't anything for me to do in the office  
5 any more.

6 Q. It was the conversation that Monday  
7 morning, right?

8 A. It was a combination of everything.  
9 There is no other way I can tell you. I  
10 mean, it was a combination of everything.

11 Q. Why didn't that combination of  
12 everything force you to leave on Friday and  
13 never return?

14 MS. RODGERS: Object to form.

15 THE WITNESS: Because Dr. Lawal,  
16 even in his being ugly to me, I was trying  
17 to get some work done. I was working. I  
18 mean, I wasn't working thinking I am going to  
19 leave at 1:00 o'clock on Monday. I didn't  
20 come in Monday morning saying, "I am going to  
21 leave at 1:00 o'clock." It was a combination  
22 of everything.

23 MR. DODD: Q. Is it fair to say  
24 that what Lawal said to you that Monday  
25 morning was the catalyst that made you leave

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1 Monday afternoon?

2 MS. RODGERS: Object to form.

3 THE WITNESS: Not having security  
4 was the key issue and what I had been  
5 subjected to.

6 MR. DODD: Q. Had Lawal  
7 previously ever tried to talk you out of  
8 retiring?

9 A. No, sir. Because he knew I wasn't  
10 going to retire.

11 Q. I'm sorry.

12 A. He knew I wasn't planning to  
13 retire.

14 Q. How did he know that?

15 A. Because several people in the  
16 school asked me if I was going to retire and  
17 I said, "No." They asked me if Dr. Lawal  
18 was planning to leave. And this I understand  
19 started, and I can't tell you who started it,  
20 but I can tell you who they say started it.  
21 Chris was going around on the third and  
22 second floor saying that I was going to  
23 retire, and Dr. Lawal was leaving taking  
24 another job. Dr. Lawal sent an e-mail to the  
25 entire school saying Ms. Ellison has not

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1 discussed any plans with me to retire, nor am  
2 I looking for another job. Yet, he decided  
3 after I left to put in his letter that I had  
4 said I was, but I did not tell him that  
5 because he sent the e-mail saying we had not  
6 discussed it.

7 Q. Did you ask the four work study  
8 students to prepare statements about what went  
9 on February 14th?

10 A. I did.

11 Q. Why did you do that?

12 A. Because it was my pattern. I  
13 think every situation I have written something  
14 down. I have documented what happened. And  
15 I knew, especially at that point,  
16 documentation was key.

17 Q. Ms. Ellison, do you know any white  
18 employees at AUM who were not fired after  
19 complaining about discrimination?

20 A. White employees who were not fired  
21 after complaining about discrimination. I  
22 don't know that I would have privileges to  
23 that kind of information. I don't know.

24 Q. Do you know of any white employees  
25 who were fired after complaining about

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1 discrimination?

2 A. I do not know.

3 (Short recess)

4 MR. DODD: Q. Ms. Ellison, do  
5 you know if Faye Ward has any unhappiness  
6 with Auburn University Montgomery?

7 A. I wouldn't know that.

8 Q. Have you talked to her about  
9 assisting you in this case?

10 A. I asked her if she would talk to  
11 my attorney.

12 Q. And she did, right?

13 A. As far as I know, yes.

14 Q. Have you seen the affidavit that  
15 she gave?

16 A. No. I haven't seen her affidavit.

17 Q. When did you apply for disability  
18 insurance or disability benefits?

19 A. I don't remember the exact date.  
20 But it was pretty much around the time when  
21 I tried to work for my rheumatologist and I  
22 couldn't do it.

23 Q. Were those SSI disability benefits?  
24 Social Security Disability benefits?

25 A. Yes.

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1 Q. What was the outcome of your  
2 application?

3 A. I have got to request for a  
4 hearing. I have got to send back information  
5 to request for a hearing date.

6 Q. Who is representing you in that  
7 case?

8 A. I don't have a representative.

9 Q. You represent yourself?

10 A. Yes.

11 Q. Have you been denied Social  
12 Security benefits and is this an appeal?

13 A. Right.

14 Q. Did you claim in your application  
15 for disability benefits that you were unable  
16 to work?

17 A. As I recall, there were 100  
18 questions that asked you what you can and  
19 cannot do and to what extent you can or  
20 cannot do that.

21 Q. Do you have -- strike that.  
22 Do you keep all of those records?

23 A. I should have those records.

24 Q. Donna Paul is your rheumatologist?

25 A. Yes. Dr. Paul.

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1 Q. Let me show you a document that  
2 your lawyer gave to me and just ask you if  
3 you ever seen that before.

4 A. No. May I read it? I haven't  
5 seen it before.

6 Q. If you are curious, you can read  
7 it. Your lawyer has a copy. She can show  
8 it to you.

9 A. What is it?

10 Q. It looks like some notes from Faye  
11 Ward to my partner that somehow left AUM.

12 A. Okay.

13 (Three-page document, dated February  
14 25, 2004, e-mail from Cynthia Ellison to Joe  
15 Hill, marked as Defendant's Exhibit-2)

16 MR. DODD: Q. Ms. Ellison, here  
17 is Defendant's Exhibit 2. Take a look at  
18 that and see if you can identify it for me,  
19 please.

20 A. This is an e-mail I sent Joe Hill.

21 Q. Do you recognize that?

22 A. Yes.

23 Q. You see about halfway down the  
24 message on the first page you refer to the  
25 anonymous letter?

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1 A. I do.

2 Q. Have you seen that letter to date?

3 A. I have not.

4 Q. Who was one of the individuals you  
5 spoke to who apparently composed that letter?

6 A. I don't know who composed the  
7 letter.

8 Q. Who in the letter are you  
9 referring to where you say, "the ladies heard  
10 about the incident and I spoke with one of  
11 them, not knowing she had in mind doing what  
12 she did."

13 A. Let me get to that point.

14 Q. Okay.

15 A. Where is it? Okay. Let me just  
16 read it. These were the women in Upward  
17 Bound.

18 Q. Who did you speak to, though?

19 A. I spoke to -- actually, I spoke to  
20 all of three of them there together.

21 Q. What are their names?

22 A. It was Lucy. We called her Ms.  
23 Lucy. Lucy. Debra may know their names.  
24 Lucy. It was Alice Boggs. Alice Boggs, Abena  
25 and Lucy. That's all I know.

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1 Q. How did you learn that an  
2 anonymous letter existed and that it referred  
3 to you?

4 A. How did I learn about what?

5 Q. That an anonymous letter existed  
6 and that the letter referred to you.

7 A. They were talking about it in the  
8 School of Sciences. They said it referred to  
9 the Dean's secretary in the School of  
10 Sciences.

11 Q. Who is "they?" These three women?

12 A. Yes.

13 Q. Were they involved in the School  
14 of Sciences?

15 A. They were housed in the School of  
16 Sciences.

17 Q. Read down about ten more lines  
18 from there. It says, "The HR director wasn't  
19 willing to speak with me at the time."

20 A. Right.

21 Q. What are you referring to there?

22 A. Debra.

23 Q. When was she not willing to speak  
24 with you?

25 A. Wait a minute. Let me come to

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1 where you were and read it.

2 Q. Okay.

3 A. I have to say it was referring to  
4 Debra. And I think I said at one time it  
5 was Debra. Then I changed it. So I guess  
6 it was Debra. Because this would have been  
7 more up to date than what I remember now,  
8 since it's been so long.

9 Q. Isn't it true that you called  
10 Debra Foster about a week before you sent  
11 this e-mail and asked her how to file a  
12 complaint about the Allison Stevens incident?

13 A. Asked her how to file a complaint?

14 Q. Yes.

15 A. I may have called Debra. I don't  
16 remember.

17 Q. Isn't it true that you also told  
18 Debra that you did not want to put anything  
19 in writing?

20 A. I did. And that's when Guin  
21 insisted that she wanted me to.

22 Q. That happened later, didn't it?

23 A. I wrote the memo to Guin, yes.  
24 When I informed Guin about the situation.

25 Q. Why were you unwilling to put

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1 anything in writing to Debra Foster about the  
2 Allison Stevens incident?

3 A. Because Debra was known not to  
4 help anybody. When I went to her, her first  
5 statement was, "I don't know what to do with  
6 this. It's going to be he said, she said."

7 Q. That's what happened later. I am  
8 asking you now why you weren't willing to  
9 follow the procedures that were in place?

10 A. I don't view that as not my being  
11 not willing to follow procedures. As I said  
12 earlier, I really felt like I was going to  
13 be retaliated against because of the situation  
14 with Jessie Clayton.

15 Q. You expected Debra to retaliate  
16 against you?

17 A. I had no idea what to expect  
18 because of what I had heard.

19 Q. Look over at the bottom of the  
20 next page, please. The last four lines.  
21 You say, "I said earlier in an e-mail to you  
22 that I'm looking at retiring if I can find  
23 something else, but I don't want to leave  
24 with a cloud over my head." Do you see  
25 that?

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1 A. I see it.

2 Q. Were you looking at retiring as of  
3 February 2004?

4 A. We were always looking at  
5 retirement. I told you that we had seminars  
6 that we went to.

7 Q. This doesn't talk about a seminar.  
8 It talks about you.

9 A. I know what it talks about. I am  
10 telling you now that discussion of retirement  
11 came up periodically, not just with me, but  
12 with everybody. Especially when they invoked  
13 the DROP situation.

14 Q. In 2004, were you looking to find  
15 another job so you could retire?

16 A. I was not looking for a job in  
17 2004.

18 Q. The statement you made there  
19 that --

20 A. Let me read this.

21 MR. DODD: Here is No. 3.

22 (One-page letter, dated March 1,  
23 2004, letter from Cynthia Ellison to Guin  
24 Nance, marked as Defendant's Exhibit-3)

25 MR. DODD: Q. Take a look at

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1 that and see if you can identify it.

2 A. Okay.

3 Q. Can you identify that document?

4 A. I wrote it.

5 Q. It's your letter?

6 A. Yes.

7 Q. Look in the first paragraph, if  
8 you would, at the last sentence. Which  
9 reads, "Until now, however, none have involved  
10 name calling, personal verbal attacks, and the  
11 development of a potential hostile working  
12 environment."

13 A. Uh-huh.

14 Q. Is this your statement that March  
15 1, 2004, is the beginning of a hostile  
16 working environment?

17 A. My reference until now is to the  
18 incident when it occurred in December '03.

19 Q. December 3rd, 2003, is the  
20 beginning of the hostile working environment  
21 for you?

22 A. And the racial slur. That was the  
23 first time that I had ever encountered  
24 something like that.

25 Q. I understand that. What you wrote

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1 here is the truth, right?

2 A. Yes.

3 Q. If you look at December the 3rd,  
4 2003 letter, it's the beginning of what you  
5 consider to be a hostile working environment?

6 A. In relation to this incident that  
7 I was referring to.

8 Q. Well, the first paragraph refers to  
9 your tenure at Auburn University Montgomery  
10 for the last 20 years, doesn't it?

11 A. Right.

12 Q. December 3, 2003, is the beginning  
13 of what you consider to be a hostile working  
14 environment, right?

15 MS. RODGERS: Object to form.

16 THE WITNESS: No, sir. That's not  
17 what my intent was.

18 MR. DODD: Q. What was your  
19 intent?

20 A. My intent was to communicate to  
21 Dr. Nance, as I said earlier, that I was not  
22 the author of the anonymous letter. And that  
23 it was me who the slur was directed at. And  
24 that, like it says, I was subjected to a  
25 hostile work environment.

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1           Q.       The sentence preceding the last one  
2           says, "Over the years, there have been  
3           misunderstandings and personality conflicts  
4           with each of these groups. Until now,  
5           however, none have involved name calling,  
6           personal verbal attacks, and the development  
7           of a potential hostile working environment,"  
8           right? Is that the truth?

9           MS. RODGERS: Object. Asked and  
10          answered.

11          THE WITNESS: This recap events  
12          that I was trying to relate to Dr. Nance  
13          that occurred in December '03.

14          MR. DODD: Q. December '03 is  
15          when the development of a potential hostile  
16          working environment began, right?

17          MS. RODGERS: Object again.

18          THE WITNESS: I should have  
19          probably put it in writing when it was  
20          continued.

21          MR. DODD: Q. This letter is not  
22          true then, right?

23          MS. RODGERS: Object to form.

24          THE WITNESS: Yes, it's true.

25          MR. DODD: You can't have it both

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1                   ways.

2                   THE WITNESS: It is true.

3                   MS. RODGERS: Stop. On the  
4                   record, I would like the record to reflect  
5                   that it seems like opposing Counsel has  
6                   become argumentative and also attempting to be  
7                   intimidating to my client. If he wants to  
8                   ask her a question, which I will say was in  
9                   a unprofessional manner, he can do that. If  
10                  he cannot do that at this point, then we can  
11                  just close the deposition and let the judge  
12                  take it up on this matter on what we should  
13                  do in the midst of these depositions.

14                 MR. DODD: It's cross-examination,  
15                 Counsel.

16                 MS. RODGERS: Well, whatever you  
17                 call it. You call it whatever. Whatever  
18                 you may want to call it. You call it cross,  
19                 I call it intimidation.

20                 MR. DODD: It's a search for the  
21                 truth.

22                 MS. RODGERS: This search for your  
23                 truth. This is Ms. Ellison's case. You are  
24                 the lawyer. You have not been the victim.

25                 MR. DODD: Search for the truth.

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1 MS. RODGERS: Search for your  
2 truth.

3 MR. DODD: We are going to stay  
4 on it until I get it.

5 MS. RODGERS: I am going to stay  
6 on it until I get it. No reaper shall  
7 prosper, and every tone that rises up in  
8 judgment shall be condemned. And for the  
9 record --

10 MR. DODD: Don't preach to me.

11 MS. RODGERS: I don't preach. I  
12 am not preaching to you. But I am putting  
13 it on the record so that it can be perfectly  
14 clear. That it can be perfectly clear that  
15 you are not going to intimidate me either.

16 Now, I am trying to have my client  
17 here to answer your questions. You are  
18 taking it as a personal vendetta for a search  
19 for your truth. I have her here available  
20 to answer your questions according to what  
21 she has provided in her complaint. That's  
22 what we are trying to attempt to do. But  
23 you are trying to search for truth.

24 MR. DODD: She is noticed to be  
25 here.

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1 MS. RODGERS: She may be noticed  
2 to be here. And by law, the only reason is  
3 because she has to be here, and because she  
4 has filed a complaint.

5 MR. DODD: That's true. That's  
6 her obligation of filing a lawsuit.

7 MS. RODGERS: It's our obligation  
8 to for having her here. You can ask  
9 questions. If you want to be put into an  
10 argument, let the games begin. And we can  
11 let the judge decide that.

12 MR. DODD: Q. Mrs. Ellison, is  
13 the document that's been identified as  
14 Defendant's No. 3 truthful?

15 MS. RODGERS: Object to form.

16 THE WITNESS: Yes, sir. It is  
17 truthful.

18 MR. DODD: Thank you.

19 (One-page letter, dated March 2,  
20 2004, from Guin A. Nance to Ms. Cynthia  
21 Ellison, marked as Defendant's Exhibit-4)

22 MR. DODD: Q. Ms. Ellison, here  
23 is No. 4. See if you can identify that.

24 A. Yes.

25 Q. What is it?

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1 A. It's a letter that I wrote to Dr.  
2 Nance.

3 Q. That's the letter you received from  
4 Dr. Nance?

5 A. Uh-huh.

6 Q. Is it in response to the letter  
7 that was marked as Defendant's No. 3?

8 A. The letter you had, yes.

9 Q. Look at the last paragraph, would  
10 you, please. Chancellor Nance writes, "My  
11 understanding from Ms. Foster is that you  
12 have been reluctant to provide a written  
13 statement." Do you see her remark there?

14 A. Yes.

15 Q. Is that an accurate statement?

16 A. Yes.

17 Q. She goes on to say that she hopes  
18 you will share all relevant information on  
19 this issue with her, right?

20 A. That's correct.

21 Q. You did that after you received  
22 this letter, did you not?

23 A. Right. This was after our meeting  
24 by sitting down in her office telling her  
25 that Debra starts fires and not puts them

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1 out.

2 (One-page letter, dated March 22,  
3 2004, from Debra S. Foster to Ms. Cynthia  
4 Ellison and Allison Stevens, marked as  
5 Defendant's Exhibit-5)

6 MR. DODD: Q. Here is No. 5.  
7 See if you can identify that.

8 A. Yes.

9 Q. What is it?

10 A. A letter to me and Allison Stevens  
11 from Debra Foster.

12 Q. Did you receive this letter?

13 A. I did.

14 Q. Now, you see where Debra Foster  
15 writes that she didn't find evidence to  
16 substantiate if the racial slur was used by  
17 Ms. Stevens, right?

18 A. Yes.

19 Q. But she does go on to say that if  
20 Allison Stevens uses the word again she is  
21 going to be fired. Do you see that?

22 A. Yes.

23 Q. She also said that if Ms. Stevens  
24 uses abusive and threatening language she is  
25 going to be fired. Do you see that in the

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1 second numbered paragraph?

2 A. Yes.

3 Q. What was your reaction to what  
4 Debra Foster wrote with respect to  
5 expectations for Allison Stevens, if you had  
6 one?

7 A. Well, I think it's written here in  
8 Number Two that she asked her not to use  
9 abusive and threatening language any more.  
10 And if she called me a nigger again she  
11 would be terminated.

12 Q. Were you satisfied with this  
13 result?

14 A. I was satisfied to the point that  
15 I knew nothing else would be done. The next  
16 day I received her e-mail inviting me to  
17 apply for a job at Hyundai, or the day  
18 after.

19 Q. Do you have that e-mail, by the  
20 way?

21 A. I believe I gave it to my  
22 attorney.

23 Q. Now, you've stated in other --  
24 strike that, please.

25 Your desire was not to get Allison

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1 Stevens fired over the incident you had with  
2 her, was it?

3 A. No.

4 Q. Do you know of anything that Debra  
5 Foster could have done short -- strike that,  
6 please.

7 In your opinion, what could Debra  
8 Foster have done short of firing Allison  
9 Stevens that the warnings in Defendant's No.  
10 5 do?

11 A. Well, it took her two times to do  
12 the investigation.

13 Q. I understand that it took some  
14 time. In terms of the conclusion that she  
15 reached?

16 A. I don't know. I may have written  
17 a memo to her about this. I'm not sure.

18 Q. In your mind, short of firing Ms.  
19 Stevens, is there anything she could have  
20 done other than say, if you do it, you will  
21 be fired?

22 A. She is an EEO and HR person.  
23 That would have been her call.

24 (Five-page document, dated March  
25 31, 2004, from Cynthia Ellison to Dr. Guin

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1 Nance, marked as Defendant's Exhibit-6)

2 MR. DODD: Q. Here is No. 6.  
3 Take a look at that, please, and tell me  
4 what it is.

5 A. This is what I wrote to Dr. Nance.

6 Q. Did you write to -- strike that.  
7 What prompted you to write this  
8 letter to Dr. Nance?

9 A. I didn't believe that I had been  
10 given due process in the investigation part  
11 of my complaint.

12 Q. Explain to me what you mean by  
13 that, please?

14 A. First of all, when I gave Debra my  
15 initial statement and she sent it to me, I  
16 had to pretty much redo it because she didn't  
17 recap what I had told her. She didn't want  
18 to do an investigation, and that's when I  
19 went to Dr. Nance and told Dr. Nance that I  
20 was reluctant. And then Dr. Nance instructed  
21 her to go ahead and talk to the people.  
22 That is what I was writing in here. That's  
23 the reason that I felt the EEO person and  
24 the EEO personnel and the HR Director should  
25 be separate. It says it in this memo.

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1 Q. You said that Debra Foster didn't  
2 want to do an investigation, right?

3 A. She had never had this before she  
4 said, he said, she said.

5 Q. Is that the same as saying she  
6 didn't want to do it?

7 A. When she didn't, that told me she  
8 didn't want to do it. I had to go back to  
9 Dr. Nance to ask her to go ahead and do it.

10 Q. Isn't it true that actually Dr.  
11 Nance instructed to you give a written  
12 statement because you had refused to it?

13 MS. RODGERS: Object to form.

14 THE WITNESS: She instructed me to  
15 talk to Debra Foster.

16 MR. DODD: Q. Did she say put  
17 it in writing?

18 Guin Nance writes on Defendant's  
19 Exhibit 7 that Ms. Ellison is reluctant to  
20 provide a written statement and share all  
21 relevant issues.

22 A. I went over to Debra and shared  
23 with her, and Debra typed up the statement  
24 while I was there.

25 Q. Isn't it true that you had refused

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1 to give a written statement, and it took Guin  
2 Nance to convince you to do it?

3 MS. RODGERS: Object to form.

4 THE WITNESS: Because I knew  
5 nothing would be done. It took Guin Nance  
6 to do it.

7 MR. DODD: Q. It took Guin Nance  
8 to get you to give a written statement,  
9 right?

10 MS. RODGERS: Object to form.

11 THE WITNESS: It took Guin Nance  
12 to get me to go see Debra, that's correct,  
13 and file my complaint.

14 (One-page letter, dated April 5,  
15 2004, from Guin A. Nance to Ms. Cynthia  
16 Ellison, marked as Defendant's Exhibit-7)

17 MR. DODD: Q. Ms. Ellison, here  
18 is No. 7. See if you can identify that.

19 A. Yes, I wrote it.

20 Q. What is it?

21 A. It's a letter from Dr. Nance  
22 saying that she received the previous exhibit  
23 you showed me.

24 Q. In your estimation, is she  
25 addressing the primary issues you raised in

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1 your letter?

2 A. She is addressing the issue and  
3 directing Debra to interview Nikki Gibson.

4 Q. That was one of your concerns, was  
5 it not?

6 A. (Witness nods head)

7 Q. Has Guin Nance ever been  
8 unresponsive to any of your concerns?

9 A. No.

10 (One-page letter, dated April 29,  
11 2004, from Debra S. Foster to Cynthia  
12 Ellison, marked as Defendant's Exhibit-8)

13 MR. DODD: Q. Here is No. 8.  
14 Let me know if you can identify that.

15 A. Yes. This is a letter to me from  
16 Debra after, I guess, she did the additional  
17 investigation with the witness.

18 Q. At this point, April 29, 2004,  
19 were you satisfied that all potential  
20 witnesses had been interviewed in connection  
21 with the Allison Stevens incident?

22 A. All witnesses, yes.

23 Q. Did that satisfy one of your major  
24 concerns about the investigation?

25 A. It did.

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1 (One-page memorandum, dated December  
2 2, 2004, from Debra S. Foster to Cynthia  
3 Ellison, marked as Defendant's Exhibit-9)

4 MR. DODD: Q. Here is No. 9.  
5 See if you recognize that, please.

6 A. Yes. This is a letter Debra sent  
7 me after she met with me and Dr. Lawal.

8 Q. Does it accurately reflect what you  
9 and she discussed and agreed to?

10 A. It reflected what was discussed and  
11 agreed to without my knowing what the  
12 complaint was.

13 Q. But being mindful of your feelings  
14 when conversing with her, and her agreeing to  
15 treat you with respect and dignity, are just  
16 common decency, wouldn't you say?

17 MS. RODGERS: Object to form.

18 THE WITNESS: It's common decency,  
19 but she and Dr. Lawal assured me that the  
20 complaint was frivolous and not to worry  
21 about it. They said this is what they were  
22 going to do. I didn't worry about it. This  
23 is what I received after I complained that I  
24 didn't get a letter. And Barbara got a  
25 letter. This letter came after this letter.

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1 MR. DODD: Q. Do you think that  
2 Barbara Ware got a copy of this letter to  
3 you, No. 9?

4 A. I have no idea.

5 Q. Do you suspect that she did?

6 MS. RODGERS: Object to form.

7 THE WITNESS: I just know that she  
8 and Dr. Lawal got a letter and I didn't, and  
9 I asked for one.

10 MR. DODD: This is No. 10.

11 (One-page memorandum, dated December  
12 7, 2004, from Cynthia Ellison to Dr. Bayo  
13 Lawal, marked as Defendant's Exhibit-10)

14 MR. DODD: Q. Can you tell me  
15 what that is?

16 A. This is -- yes. This is a letter  
17 I wrote to Dr. Lawal, and I would have  
18 copied it to Debra Foster concerning the  
19 Barbara Ware incident.

20 Q. Is your primary concern the fact  
21 that you didn't get a copy of what Barbara  
22 received?

23 A. Well, that and the fact that I say  
24 in here that I was surprised that any  
25 correspondence was written since, as I stated

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1 to you earlier, they told me that nothing  
2 would be done. Essentially that was the end  
3 of it.

4 Q. Was that your preferred course of  
5 action that no conclusion or confirmation be  
6 sent?

7 MS. RODGERS: Object to form. You  
8 can answer.

9 THE WITNESS: I can just tell you  
10 that I was called into a meeting with Barbara  
11 and Lawal. They told me Barbara filed a  
12 complaint. They felt like it was embellished  
13 by Chris and not to worry about it.

14 MR. DODD: Q. Now, did receiving  
15 Defendant's Exhibit No. 9 make you worry  
16 about it?

17 A. Make me worry about it?

18 Q. Yes.

19 A. Worry what what?

20 Q. The Ware complaint.

21 A. Worry that I didn't get to see the  
22 complaint or worry in what respect?

23 Q. In any respect about the resolution  
24 of the complaint she filed?

25 A. I thought the resolution ended in

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1 the conference room when we finished the  
2 meeting.

3 Q. Is what's contained in Defendant's  
4 No. 9 any different than what was discussed  
5 in the conference room in terms of  
6 resolution?

7 MS. RODGERS: Object to form.

8 THE WITNESS: No.

9 MR. DODD: Q. Do you know if  
10 Dr. Lawal sought assistance or suggested from  
11 the School of Sciences faculty about what the  
12 school can do on account of the death of  
13 your father?

14 MS. RODGERS: Object to form.

15 THE WITNESS: I wasn't there, so I  
16 wouldn't know.

17 MR. DODD: Q. Has anyone told  
18 you that he sought school-wide suggestions  
19 about what could be done?

20 A. Nobody told me that.

21 Q. Do you know what he did?

22 A. When my father died?

23 Q. Yes.

24 A. He sent a flower arrangement. I  
25 believe he sent a flower arrangement.

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1 Q. And the funeral was January 29th?

2 A. No. Was it the 29th? I was  
3 back at work on the 31st. He died on the  
4 21st or 22nd. It would have been -- it was  
5 towards the end of January.

6 Q. When had your mother died?

7 A. She died four months earlier.

8 Q. What did Dr. Lawal do on that  
9 occasion?

10 A. Dr. Lawal came to my home with  
11 Ruby Jenkins, and Ruby handed me an envelope  
12 that had some money if it. I'm not certain,  
13 but I think she said it was from Dr. Lawal  
14 or the people in School of Sciences.

15 Q. Did he also send flowers?

16 A. He did.

17 Q. How much money was in the  
18 envelope?

19 A. I really don't recall.

20 Q. Now, you also lost a sibling, did  
21 you not?

22 A. My sister died six days before my  
23 mother.

24 Q. What did Dr. Lawal do then?

25 A. Okay. I have got to remember.

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1 Because there were two funerals. One in  
2 Indiana and one in Alabama. If I'm not  
3 mistaken, I think they either took up money  
4 and sent flowers or they did both.

5 (One-page letter, dated February 4,  
6 2005, from Debra S. Foster to Ms. Cynthia  
7 Ellison, marked as Defendant's Exhibit-11)

8 MR. DODD: Q. Ms. Ellison, here  
9 is No. 11. If you can identify that,  
10 please.

11 A. Yes. This is a letter Debra sent  
12 me regarding Chris' investigation.

13 Q. What was your reaction when you  
14 received that?

15 A. I felt like again the investigation  
16 was geared more towards resolving the  
17 situation for the person who had inflicted  
18 harm and ill upon me.

19 Q. What led you to that conclusion?

20 A. Because Dr. Lawal had shared the  
21 summary letter that was sent to Chris and  
22 Chris was given the opportunity to have a  
23 month to decide what he wanted to do and  
24 then until the end of the summer to do it.  
25 I had asked for a summary of my proceedings

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1 of the meeting that I had with Lawal, Ritvo  
2 and Faye and was denied.

3 And again, the security issue.  
4 She says nothing in here about providing  
5 security.

6 Q. Take a look at No. 1 again, if  
7 you would, please, at your Exhibit B.

8 A. Yes.

9 Q. Is this the summary he said you  
10 should have received?

11 A. No. I asked for a summary of the  
12 meeting that took place with me, Faye, Ritvo  
13 and Lawal. Because in that meeting Ritvo  
14 stated that he would not give me security.  
15 That I was to call them if Chris arrived in  
16 that meeting. Bayo Lawal stated that he  
17 would file civil litigation if nothing was  
18 done to Chris in that meeting. That's the  
19 summary I wanted. I wanted a summary.

20 Q. Please finish.

21 A. I wanted a summary of what was  
22 being said because I wasn't being provided  
23 security and I wanted him to write that for  
24 me, and he said he would not.

25 Q. Does such a summary exist anywhere?

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1 A. I have no idea. I didn't get a  
2 copy if it does exist. I asked for a copy.

3 Q. Do you know if anybody got a copy  
4 of any such summary?

5 A. Chris received a summary of his  
6 meeting.

7 Q. Is that what you are referring to?

8 A. Exhibit B.

9 Q. That's your Exhibit B.

10 A. Well, B, Chris received a summary  
11 of what happened in their meeting. I was  
12 simply asking for a summary of what happened  
13 in my meeting.

14 Q. Nobody took any adverse action  
15 against you in that meeting, did they?

16 MS. RODGERS: Object to form.

17 THE WITNESS: I wanted on record  
18 that I was refused security. I wanted on  
19 record that Bayo threatened to file civil  
20 litigation.

21 MR. DODD: Q. Look at Exhibit B  
22 to Defendant's Exhibit 1 there.

23 A. Okay.

24 Q. That's where sanctions are imposed  
25 against Chris Mahaffy by AUM, correct?

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1                   A.       Yes. This has nothing to do with  
2                   what I wanted from them.

3                   Q.       It's completely different, isn't  
4                   it?

5                   A.       I told them what I wanted was a  
6                   summary of my meeting.

7                   Q.       They simply refused to do it,  
8                   right?

9                   A.       Absolutely.

10                  Q.       Did they give a summary to anybody  
11                  else?

12                           MS. RODGERS: Object to form.

13                           THE WITNESS: They were only  
14                           concerned with me and Chris. So as far as  
15                           I'm concerned, the summaries would go to  
16                           Chris and to me because I filed the  
17                           complaint.

18                           MR. DODD: Q. Neither Chris nor  
19                           you got a summary?

20                           MS. RODGERS: Object to form.

21                           THE WITNESS: Chris got this  
22                           summary. I did not get one.

23                           MR. DODD: Q. This is a summary  
24                           where he loses his Department Chair, right?

25                   A.       Yes.

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1 Q. And he loses three months of an  
2 annual 12-month contract?

3 A. Right.

4 Q. Diversity training, right?

5 A. I don't know if he went. That's  
6 what this says.

7 Q. There are seven provisions,  
8 punitive provisions in this summary, correct?

9 MS. RODGERS: Object to form.

10 THE WITNESS: I'm not talking  
11 about the content for the summary. I wasn't  
12 concerned with Chris' summary. I was concerned  
13 with my summary.

14 MR. DODD: Q. Did anybody get a  
15 summary of the kind that you wanted?

16 MS. RODGERS: Object to form.

17 THE WITNESS: Chris Mahaffy.

18 MR. DODD: Q. You are referring  
19 to Exhibit 1?

20 A. I am referring to a written  
21 statement of what happened in a document.

22 Q. You just wanted a document, is  
23 that right?

24 MS. RODGERS: Object to form.

25 THE WITNESS: I wanted a summary

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1 document of my meeting.

2 MR. DODD: Q. You didn't want to  
3 be punished, did you?

4 MS. RODGERS: Object to form.

5 THE WITNESS: Punished for what?

6 MR. DODD: Exactly.

7 MS. RODGERS: Object to form. You  
8 don't have to answer that.

9 MR. DODD: Q. Chris Mahaffy is  
10 being punished, isn't he?

11 MS. RODGERS: Object to form.

12 THE WITNESS: By the University  
13 because of his behavior.

14 MR. DODD: That is correct.

15 Q. That is the behavior that you  
16 complained about?

17 A. Partially.

18 (Two-page letter, dated February 9,  
19 2005, Roger A. Ritvo, Ph.D. to Ms. Cynthia  
20 Ellison, marked as Defendant's Exhibit-12)

21 MR. DODD: Ms. Ellison, here is  
22 No. 12. See if you can identify that,  
23 please.

24 A. Yes.

25 Q. What is it?

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1 A. It's a letter to me from Dr. Roger  
2 Ritvo.

3 Q. Do you recall receiving this?

4 A. Yes, I do.

5 Q. What was your reaction to it?

6 A. I thought that, again, I was the  
7 person that was being mistreated. In my  
8 letter -- and I go back to the same thing.  
9 I asked for a summary. In this letter he  
10 says, I believe that -- let me look here for  
11 just a minute. It recaps some of the issues  
12 I had raised in my letter about no security,  
13 my being sent off Campus because they knew  
14 Chris was going to be upset after they talked  
15 with him. Well, do you want me to read the  
16 letter?

17 Q. You don't need to read it. I am  
18 asking what your reaction was.

19 A. Well, my reaction was that I was  
20 still subjected to retaliation and an unsafe  
21 environment.

22 Q. You considered this letter to be  
23 retaliatory?

24 A. Not this -- well, let me see.  
25 This letter, I believe and I felt, was sent

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1 to me because, if I'm not mistaken, things  
2 crossed in the mail. My information that I  
3 had seen an attorney or Bayo had told them  
4 something and Ritvo wrote this letter saying  
5 that Campus Police goes through Goodwyn Hall  
6 three times a day, or something like that.  
7 If that's in this one, I know that they  
8 don't. They come when we call them for a  
9 situation. I felt like this was another  
10 attempt to appease me.

11 Q. That was written in your response  
12 to your February 11th letter, wasn't it?

13 A. It was.

14 Q. Were you not interested in having  
15 an escort to your vehicle?

16 MS. RODGERS: Object to form.

17 THE WITNESS: I was interested in  
18 an escort to my vehicle. Let me read this.  
19 Can I just make my points as I go down  
20 through this letter?

21 MR. DODD: Q. Sure.

22 A. I still believed that Chris Mahaffy  
23 posed a physical threat.

24 Q. Do you recognize the possibility of  
25 a disagreement on that issue?

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1           A.       Certainly there is a possibility of  
2       disagreement on any issue. While it may be  
3       my word against the University's word, or  
4       Debra Foster, it is not customary to have a  
5       Campus Police Officer stand outside a door  
6       when you are having a meeting when they are  
7       having Disciplinary Committee Meetings with  
8       students who might act out. When you are  
9       just asking about a regular meeting, that's  
10      not customary.

11          Q.       Are you saying that Mahaffy was  
12      not a physical threat?

13               MS. RODGERS: Object to form.

14               THE WITNESS: I am saying he is  
15      -- I am saying because they put Campus Police  
16      outside of Ritvo's office for a supposed get  
17      together meeting to talk to Chris, it was  
18      not customary. They wanted to make me  
19      believe that every meeting they had it was  
20      customary for the Campus Police to be outside  
21      the offices and that was not the case.

22               MR. DODD: Q. Let me ask you  
23      what the source of your knowledge is?

24          A.       I have been there for 20 years.  
25      I have talked to different people. I know

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1           that. Like I said, Officer Cox told me that  
2           he was the one that asked to be stationed  
3           outside that door that day.

4           Q.       How long has Ritvo been in that  
5           position?

6           A.       I couldn't tell you the exact  
7           number of years.

8           Q.       Do you know how many disciplinary  
9           meetings he has had an officer outside?

10           MS. RODGERS: Object to form.

11           THE WITNESS: Usually, the  
12           disciplinary meetings are in Chancellor's  
13           Office. If they changed that, then they  
14           changed it.

15           MR. DODD: Q. Wherever the  
16           location.

17           A.       I have no idea about it, but we  
18           are not talking about Ritvo's area. We were  
19           talking about security from my area. He was  
20           saying that Campus Police patrolled Goodwyn  
21           Hall three times, and they did not.

22           Q.       You have knowledge of that as  
23           well?

24           A.       Well, I was at work over those  
25           years.

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1 Q. You were on the 3rd floor, right?

2 A. Right. They were patrolling.

3 Q. You weren't on the second floor,  
4 were you?

5 A. No.

6 MS. RODGERS: Object to form.

7 THE WITNESS: No.

8 MR. DODD: Q. You weren't on the  
9 first floor?

10 A. I was on the third floor. I  
11 might add this was also the time that Debra  
12 handed me -- during this period Debra had  
13 handed me a letter saying talk to Ritvo.

14 Q. Okay. Had you made any demands at  
15 that point?

16 MS. RODGERS: Object to form.

17 THE WITNESS: As I said, at the  
18 same time that Debra said that the attorneys  
19 wanted to know what I wanted, and I told her  
20 at the time that I wanted mental anguish and  
21 \$250,000. That's when she got up and left.  
22 She came back and said, "I don't have  
23 anything else to say to you."

24 MR. DODD: Q. Do you have any  
25 further comments about this letter?

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1 A. Should I have?

2 Q. You said you were going to go down  
3 through. I am just wondering if you had  
4 finished or not.

5 A. I think my earlier comments cover  
6 it.

7 Q. I'm sorry.

8 A. I think my earlier comments covers  
9 it.

10 (One-page letter, dated February 9,  
11 2005, from Bayo H. Lawal, Ph.D. to Ms.  
12 Cynthia Ellison, marked as Defendant's Exhibit-  
13 13)

14 MR. DODD: This is Exhibit 13.

15 Q. Ms. Ellison, look at Exhibit D to  
16 your affidavit, please.

17 A. Yes, sir.

18 Q. You say, "I am no longer willing  
19 to subject myself to an environment that is  
20 potentially unsafe to me and others around  
21 me."

22 A. Yes.

23 Q. Who are the "others" you are  
24 referring?

25 A. My student workers and other people

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1 who came in and out of the Dean's office.

2 Q. To your knowledge, had any of them  
3 been threatened by Mahaffy?

4 A. I really think they had.

5 Q. Do you know that for a fact?

6 A. I think a couple of them said  
7 something a couple of times. I don't  
8 remember exactly what they said.

9 Q. You said, "I would also like to  
10 discuss my plans concerning leave." What is  
11 that referring to?

12 A. Yes. I put my retirement date  
13 April 1st, 2005.

14 Q. Right.

15 A. Because I looked in the system and  
16 I had enough vacation leave to take it to  
17 April 1st.

18 Q. You just get a paycheck until  
19 April 1st?

20 A. Uh-huh.

21 MR. DODD: Q. Here is No. 13.

22 A. I received this from Dr. Lawal.

23 Q. You see in the first paragraph he  
24 writes, "I know you have discussed your  
25 intention to retire from AUM with me several

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1 times within the last five months, but each  
2 time, I have tried to talk you out of it."

3 A. Yes, I do.

4 Q. I assume from your previous  
5 testimony you feel that is not an accurate  
6 statement?

7 A. It is not an accurate statement.

8 Q. Ms. Ellison, did you plan to give  
9 Lawal -- strike that, please.

10 When did you decide that you were  
11 going to retire effective April 1st?

12 A. Well, I mean, like I told you  
13 earlier, it was a combination of everything  
14 that was going on.

15 Q. When?

16 A. When?

17 Q. When.

18 A. I think my letter is in here.

19 Q. The notice is dated February 9th.  
20 My question is, when did you decide to give  
21 him that notice on February 9th?

22 A. When he received the correspondence  
23 from Julian McPhillips and he was beating on  
24 his chest. He said that I had done this to  
25 him. That I had destroyed his plans for

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1 filing a suit in the summer. And I should  
2 wait. He started to change and retaliated  
3 against me. It was everything that was going  
4 on.

5 Q. If I were to tell you, or suggest  
6 to you that he did not receive any  
7 correspondence from Julian McPhillips until  
8 after February the 10th, would that make you  
9 want to rethink that answer?

10 A. Well, I have said to you that my  
11 dates were not exact. I'm not sure.

12 Q. I am trying to straighten it out  
13 now, is what I am trying --

14 A. Well, could you show me the  
15 correspondence that he received from Julian  
16 McPhillips and then I can answer the  
17 question?

18 Q. I don't have the letter, but I  
19 have got what was in it.

20 A. Well, I think I told you earlier  
21 that when I spoke to Mr. McPhillips and  
22 explained to him what was going on, he  
23 advised me to leave AUM. Now, I did what he  
24 told me to do. And if it were the 9th, I  
25 took his advice.

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1 Q. When did you get that advice?

2 MS. RODGERS: Object to form.

3 MR. DODD: Q. The first meeting  
4 you had with him?

5 A. I think it was -- well, I tell  
6 you it was -- it wasn't the first meeting  
7 because the first meeting is when I explained  
8 to him what was happening to me. It had to  
9 be the second meeting.

10 Q. Which was the day after you  
11 resigned, right?

12 MS. RODGERS: Object to form.

13 THE WITNESS: I have no idea.

14 MR. DODD: Q. Would it be  
15 accurate to say that you had decided to  
16 retire, made up your mind to retire sometime  
17 prior to February 9th when you returned and  
18 gave Bayo Lawal the notice?

19 MS. RODGERS: Object to form.

20 THE WITNESS: It's fair to say  
21 that after I sought Counsel and I sought  
22 their advice, that's when I decided to  
23 retire.

24 MR. DODD: Q. Was that before  
25 February 9th?

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1 MS. RODGERS: Object to form.

2 THE WITNESS: I don't have a  
3 calendar to refer to. I really don't know.

4 MR. DODD: Okay.

5 (Two-page e-mail, dated February  
6 11, 2005, from Cynthia Ellison to Bayo Lawal,  
7 marked as Defendant's Exhibit-14)

8 THE WITNESS: Yes, sir.

9 MR. DODD: Q. What is that?

10 A. This is my e-mail to Dr. Lawal, as  
11 we discussed earlier, saying that I would  
12 work through the 25th if I got -- if I was  
13 provided Campus Police security.

14 Q. You say if Campus security  
15 patrolled at least once a day?

16 A. Right.

17 Q. Now, did you receive any  
18 confirmation that the Campus Police would do  
19 that?

20 A. There were e-mails from Bayo to  
21 Ritvo. I believe they requested that they  
22 walk-through.

23 MR. DODD: Exhibit 15.

24 (Two-page document, dated February  
25 7, 2005, entitled Application for Retirement,

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1 marked as Defendant's Exhibit-15)

2 MR. DODD: Q. Can you tell me  
3 what that is?

4 A. Application for Retirement. It's  
5 my Application for Retirement.

6 Q. Do you remember when you completed  
7 that?

8 A. It's dated on 2-7-05.

9 Q. That's your direct deposit  
10 authorization for the Retirement Systems of  
11 Alabama?

12 A. Uh-huh.

13 Q. Does that refresh your recollection  
14 at all as to when you decided to go ahead  
15 and retire?

16 A. Not completely. Because I was in  
17 contact with HR because I really didn't know  
18 what to do about paperwork or anything. I  
19 would have to know when I talked to Mr.  
20 McPhillips. If I talked to Mr. McPhillips  
21 around that time, I don't know.

22 Q. Do you know of any reason why you  
23 would authorize a direct deposit for your  
24 retirement income as of February 7th if you  
25 hadn't decided to retire?

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1                   A.       I was acting off of the advice of  
2                   my Counsel. He is the one that told me.

3                   Q.       To retire?

4                   A.       Yes.

5                   MR. DODD:   Here is No. 16.

6                   (One-page e-mail, dated February  
7                   12, 2005, from Bayo Lawal to Cynthia Ellison,  
8                   marked as Defendant's Exhibit-16)

9                   MR. DODD:   Q.   Take a look,  
10                  please.

11                  A.       Yes.

12                  Q.       What is that?

13                  A.       This is the e-mail from Dr. Lawal  
14                  concerning the shredding.

15                  Q.       He sent it to you on Saturday  
16                  morning, February 12th, right?

17                  A.       Yes.

18                  Q.       Okay.   You see his last sentence  
19                  where he says, "I hope you kept a list of  
20                  all the shredded documents and that this list  
21                  was approved prior to shredding by the  
22                  University Archivist Jason Kneip."

23                  A.       Kneip, yes.

24                  Q.       Do you know Jason Kneip?

25                  A.       No, but I e-mailed him that Monday

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1 morning.

2 Q. Have you ever had any communication  
3 with him?

4 A. No.

5 Q. Have you ever inventoried items you  
6 shredded?

7 A. I have not.

8 Q. And you had never sought his prior  
9 approval before shredding, have you?

10 A. No, I had not.

11 Q. You responded to this e-mail, did  
12 you not?

13 A. I did.

14 MR. DODD: Here is 17.

15 (Two-page e-mail, dated February  
16 14, 2005, from Cynthia Ellison to Bayo Lawal,  
17 marked as Defendant's Exhibit-17)

18 MR. DODD: Q. See if you can  
19 identify that.

20 A. Yes, I recognize this. It's an  
21 e-mail I sent to Dr. Lawal in response to  
22 his e-mail to me about the shredding.

23 Q. You sent it Monday morning at 8:07  
24 a.m.?

25 A. Yes. That's what's on there.

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1 Q. You seem to question whether he  
2 thinks you are trustworthy or not, is that  
3 right?

4 A. Yes.

5 Q. Why do you raise that issue?

6 A. Because he had never questioned  
7 anything that I had done.

8 Q. Had he ever been confronted with  
9 the quantity of shredding that you and your  
10 helpers had done the previous Friday?

11 A. Had I been confronted by him?

12 Q. Did he --

13 A. Had he, Dr. Lawal; been confronted  
14 by whom?

15 Q. Had he ever observed shredding of  
16 the magnitude that you and the student  
17 workers had done the previous Friday?

18 MS. RODGERS: Object to form.

19 MR. DODD: Q. To your knowledge.

20 A. I don't know. There was quite a  
21 few time sheets and payroll files that were  
22 shredded.

23 Q. Did you know that you were  
24 supposed to seek prior approval and make  
25 inventories of that stuff?

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1           A.       We probably received that. I know  
2           I did probably receive that, but I had never  
3           done it before.

4           Q.       Why did you suggest that Monday,  
5           February 14th should be your last day?

6                   MS. RODGERS: Object to form  
7           again.

8                   THE WITNESS: I think we have  
9           already gone over what happened on the 14th.  
10          Dr. Lawal's behavior and I was being  
11          continually subjected to an unsafe environment.

12                  MR. DODD: Q. In this e-mail you  
13          refer to lack of trust, right, as a reason  
14          why you shouldn't stay any longer?

15                  MS. RODGERS: Object to form.

16                  THE WITNESS: That was part of the  
17          reason.

18                  MR. DODD: Q. Is there any other  
19          reason expressed in No. 17?

20           A.       Not in this letter e-mail.

21                  MR. DODD: Here is No. 18.

22                   (One-page e-mail, dated February  
23          14, 2004, from Cynthia Ellison to Jason Kneip  
24          and Bayo Lawal, marked as Defendant's Exhibit-  
25          18)

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1 MR. DODD: Q. Tell me what that  
2 is, if you can, please.

3 A. This is an e-mail to Jason Kneip  
4 about the shredding that I had done. Dr.  
5 Lawal requested that I send him an e-mail and  
6 let him know what I had shredded.

7 Q. Did Dr. Lawal tell you that  
8 orally?

9 A. Yes.

10 Q. Is this the same day where he said  
11 that he only wanted to communicate with you  
12 by e-mail?

13 A. Right.

14 MR. DODD: Here is 19.

15 (One-page e-mail, dated February  
16 14, 2005, from Jason Kneip to Cynthia Ellison  
17 and Bayo Lawal, marked as Defendant's Exhibit-  
18 19)

19 MR. DODD: Q. Tell me what that  
20 is, please.

21 A. Yes. This is from Jason Kneip  
22 telling me that if I shred anything to submit  
23 a list.

24 Q. Did you understand that was the  
25 policy of the University once you received

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1 this e-mail?

2 A. Yes. I do think I will stand for  
3 a minute.

4 MR. DODD: Q. Here is No. 20.

5 (One-page document, dated February  
6 14, 2005, from Roger A. Ritvo, Ph.D. to  
7 Cynthia Ellison, with carbon copies, marked as  
8 Defendant's Exhibit-20)

9 MR. DODD: Q. Ms. Ellison, do  
10 you recognize that?

11 A. Yes, I received the request about  
12 Campus Police. He said that "They do indeed  
13 go through Goodwyn Hall on a regular basis,  
14 hopefully three times a day." And I received  
15 that on the 14th.

16 Q. Had you sought confirmation from  
17 Bayo Lawal or Roger Ritvo about the frequency  
18 with which the police go through Goodwyn  
19 Hall?

20 A. I just asked for security. I  
21 didn't get into that.

22 Q. You did say, though, that would  
23 stay on and they would go through once a  
24 day?

25 A. I think that was in an e-mail. I

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1 would like to say that it took them from the  
2 time I requested it through February 14th to  
3 comply.

4 (One-page memorandum, dated February  
5 14, 2005, from Cynthia Ellison to Bayo Lawal,  
6 marked as Defendant's Exhibit-21)

7 MR. DODD: Q. Exhibit 21.

8 A. Yes. This is an e-mail I left  
9 with the attachment for Bayo for my leave  
10 that would pay me up through the end of  
11 March.

12 Q. The leave slips and time sheets  
13 referred to are yours going forward, right?

14 A. That's correct.

15 Q. You concluded by saying, "I can no  
16 longer handle the retaliation that I am under  
17 from Chris, others, and now you."

18 A. Right.

19 Q. Who are the "others"?

20 A. I was referring to Debra Foster,  
21 Chris Mahaffy, Ritvo. The ones I felt had  
22 retaliated against me.

23 Q. For filing a complaint?

24 A. Yes.

25 (One-page document, dated February

Cynthia Ellison

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1 15, 2005, from Ms. Cynthia Ellison to Bayo  
2 Lawal, marked as Defendant's Exhibit-22)

3 MR. DODD: Here is 22.

4 Q. Can you identify that?

5 A. Yes.

6 Q. Did you receive that?

7 A. I did.

8 Q. Did you ever return the three tape  
9 recorded Chair meetings -- strike that,  
10 please.

11 Did you ever submit the tapes of  
12 the three Chairs meetings?

13 A. I never -- it never left the  
14 office.

15 Q. It's still there?

16 A. As far as I know.

17 Q. Has Auburn University Montgomery  
18 discriminated against you in any fashion other  
19 than what we have discussed today?

20 A. No.

21 Q. Have you understood all of my  
22 questions today that you have answered?

23 A. Yes. I think to the best of my  
24 knowledge.

25 Q. And to the best of your ability,

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1                   you answered my questions fully?

2                   A.       To the best of my ability.

3                   Q.       Do you wish to change anything?

4                   A.       I can't remember back to 8:00  
5 o'clock or 9:00 o'clock this morning. Right  
6 now at this time, no.

7                   Q.       Do you wish to add anything, or  
8 tell me anything you think I should know  
9 about this case?

10                  A.       No. I can't think of anything  
11 else right now.

12                   MR. DODD: Thank you for your  
13 time.

14                   THE WITNESS: Thank you.

15                   (Whereupon, the proceedings  
16 adjourned at 4:45 o'clock p.m.)

17                   .

18                   .

19                   .

20                   .

21                   .

22                   .

23                   .

24                   .

25                   .

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## DESCRIPTION OF DEFENDANTS EXHIBITS

## EXHIBIT DESCRIPTION

- 1 Multi-page document, first page undated,  
entitled Charge of Discrimination
- 2 Three-page document, dated February 25,  
2004, e-mail from Cynthia Ellison to  
Joe Hill
- 3 One-page letter, dated March 1, 2004,  
letter from Cynthia Ellison to Guin  
Nance
- 4 One-page letter, dated March 2, 2004,  
from Guin A. Nance to Ms. Cynthia  
Ellison
- 5 One-page letter, dated March 22, 2004,  
from Debra S. Foster to Ms. Cynthia  
Ellison and Allison Stevens
- 6 Five-page document, dated March 31,  
2004, from Cynthia Ellison to Dr. Guin  
Nance
- 7 One-page letter, dated April 5, 2004,  
from Guin A. Nance to Ms. Cynthia  
Ellison
- 8 One-page letter, dated April 29, 2004,  
from Debra S. Foster to Cynthia Ellison

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## DESCRIPTION OF DEFENDANTS EXHIBITS (CONT.)

## EXHIBIT DESCRIPTION

- 9 One-page memorandum, dated December 2,  
2004, from Debra S. Foster to Cynthia  
Ellison
- 10 One-page memorandum, dated December 7,  
2004, from Cynthia Ellison to Dr. Bayo  
Lawal
- 11 One-page letter, dated February 4, 2005,  
from Debra S. Foster to Ms. Cynthia  
Ellison
- 12 Two-page letter, dated February 9, 2005,  
Roger A. Ritvo, Ph.D. to Ms. Cynthia  
Ellison
- 13 One-page letter, dated February 9, 2005,  
from Bayo H. Lawal, Ph.D. to Ms.  
Cynthia Ellison
- 14 Two-page e-mail, dated February 11,  
2005, from Cynthia Ellison to Bayo  
Lawal
- 15 Two-page document, dated February 7,  
2005, entitled Application for  
Retirement

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Cynthia Ellison

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## DESCRIPTION OF DEFENDANTS EXHIBITS (CONT.)

## EXHIBIT DESCRIPTION

16 One-page e-mail, dated February 12,  
2005, from Bayo Lawal to Cynthia  
Ellison

17 Two-page e-mail, dated February 14,  
2005, from Cynthia Ellison to Bayo  
Lawal

18 One-page e-mail, dated February 14,  
2004, from Cynthia Ellison to Jason  
Kneip and Bayo Lawal

19 One-page e-mail, dated February 14,  
2005, from Jason Kneip to Cynthia  
Ellison and Bayo Lawal

20 One-page document, dated February 14,  
2005, from Roger A. Ritvo, Ph.D. to  
Cynthia Ellison, with carbon copies

21 One-page memorandum, dated February 14,  
2005, from Cynthia Ellison to Bayo  
Lawal

22 One-page document, dated February 15,  
2005, from Ms. Cynthia Ellison to Bayo  
Lawal

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Cynthia Ellison

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CERTIFICATE OF COURT REPORTER.

I, DAWN A. GOODMAN, do hereby  
certify;

That I am a Certified Shorthand  
Reporter of the State of Alabama;

That the foregoing pages are a  
true and correct transcript of the Deposition  
of Cynthia Ellison;

I further certify that I am not  
interested in the outcome of said matter nor  
connected with or related to any of the  
parties of said matter or to their respective  
Counsel.

Dated this 8th day of May, 2006,  
at Prattville, Alabama.

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DAWN A. GOODMAN, CSR

State of Alabama

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Cynthia Ellison

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## CAPTION

The Deposition of Cynthia Ellison,  
taken in the matter, on the date, and at the  
time and place set out on the title page  
hereof.

It was requested that the deposition  
be taken by the reporter and that same be  
reduced to typewritten form.

It was agreed by and between counsel  
and the parties that the Deponent will read  
and sign the transcript of said deposition.

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Cynthia Ellison

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## CERTIFICATE

STATE OF :

COUNTY/CITY OF :

Before me, this day, personally appeared, Cynthia Ellison, who, being duly sworn, states that the foregoing transcript of his/her Deposition, taken in the matter, on the date, and at the time and place set out on the title page hereof, constitutes a true and accurate transcript of said deposition.

Cynthia Ellison

.

SUBSCRIBED and SWORN to before me this day of , 2006 in the jurisdiction aforesaid.

My Commission Expires Notary Public

.

No changes made to the Errata Sheet; therefore, I am returning only this signed, notarized certificate. I am returning this signed, notarized certificate and Errata Sheet with changes noted.

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## DEPOSITION ERRATA SHEET

RE: Alexander Gallo &amp; Associates

File No. 13898

Case Caption: Cynthia Ellison vs. Auburn  
University Montgomery

Deponent: Cynthia Ellison

Deposition Date: April 27, 2006

To the Reporter:

I have read the entire transcript of my  
Deposition taken in the captioned matter or  
the same has been read to me. I request  
that the following changes be entered upon  
the record for the reasons indicated. I  
have signed my name to the Errata Sheet and  
the appropriate Certificate and authorize you  
to attach both to the original transcript.

Page No. Line No. Change to:

Reason for change:

Page No. Line No. Change to:

Cynthia Ellison

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|    |                               |          |            |
|----|-------------------------------|----------|------------|
| 1  | Reason for change:            |          |            |
| 2  | Page No.                      | Line No. | Change to: |
| 3  |                               |          |            |
| 4  | Reason for change:            |          |            |
| 5  | Page No.                      | Line No. | Change to: |
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| 7  | Reason for change:            |          |            |
| 8  | Page No.                      | Line No. | Change to: |
| 9  |                               |          |            |
| 10 | Reason for change:            |          |            |
| 11 | Deposition of Cynthia Ellison |          |            |
| 12 | .                             |          |            |
| 13 | Page No.                      | Line No. | Change to: |
| 14 |                               |          |            |
| 15 | Reason for change:            |          |            |
| 16 | Page No.                      | Line No. | Change to: |
| 17 |                               |          |            |
| 18 | Reason for change:            |          |            |
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| 23 |                               |          |            |
| 24 | Reason for change:            |          |            |
| 25 | Page No.                      | Line No. | Change to: |

Cynthia Ellison

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